Wednesday
14th November, 1956

LOK SABHA DEBATES

(Part I—Questions and Answers)

VOLUME VIII, 1956

FOURTEENTH SESSION, 1956

(Vol. VIII contains Nos. 1 to 20)

LOK SABHA SECRETARIAT
NEW DELHI

CONTENTS

Part I - Parliamentary Debates
(Part I - Questions and Answers)

Wednesday, 14th November, 1956.

ORAL ANSWERS TO QUESTIONS —

Starred Questions Nos. 1 to 10, 12 to 14, 16 to 19, 21, 22, 24, 26 to 28, 30 and 32. . . . . 1—32

WRITTEN ANSWERS TO QUESTIONS—

Starred Questions Nos. 11, 15, 20, 23, 25, 31 and 33 to 38 . . . . 32—38
Unstarred Questions Nos. 1 and 3 to 24 . . . . 38—48

DAILY DIGEST . . . . 49—52

LOK SABHA

ALPHABETICAL LIST OF MEMBERS

A

Abdullabhai, Mulla Taherali Mulla (Chanda).

Abdus Sattar, Shri (Kalna-Katwa).

Achal Singh Seth [Agra Distt. (West)].

Achalu, Shri Sunkam (Nalgonda—Reserved—Sch. Castes).

Achint Ram, Lala (Hissar).

Achuthan, Shri K. T. (Crangannur).

Agarawal, Shri Hoti Lal [Jalaun Distt. *cum* Etawah Distt.—(West) *cum* Jhansi Distt.—(North)].

Agrawal, Shri Mukund Lal [Pilibhit Distt. *cum* Bareilly Distt.—(East)].

Ajit Singh, Shri (Kapurthala-Bhatinda—Reserved—Sch. Castes).

Ajit Singhji, General (Sirohi-Pali).

Akarpuri, Sardar Teja Singh (Gurdaspur)

Alagesan, Shri O. V. (Chingleput)

Altekar, Shri Ganesh Sadashiv (North Satara).

Alva, Shri Joachim (Kanara).

Amjad Ali, Shri (Goalpara-Garo Hills).

Amrit Kaur, Rajkumari (Mandi-Mahasu).

Anandchand, Shri (Bilaspur).

Ansari, Dr. Shaukatullah Shah (Bidar).

Anthony, Shri Frank (Nominated—Anglo-Indians).

Asthana, Shri Sita Rama (Azamgarh Distt.—West).

Ayyangar, Shri M. Ananthasayanam (Tirupati).

Azad, Maulana Abul Kalam (Rampur Distt. *cum* Bareilly Distt.—West).

Azad, Shri Bhagwat Jha (Purnea *cum* Santal Parganas).

B

Babunath Singh, Shri (Surguja-Raigarh—Reserved—Sch. Tribes).

Badan Singh, Chowdhary (Budaun Distt.—West).

Bagdi, Shri Magan Lal (Mahasamund).

Bahadur Singh, Shri (Ferozepore Ludhiana—Reserved—Sch. Castes).

Balakrishna, Shri S. C. (Erode—Reserved —Sch. Castes).

Balasubramaniam, Shri S. (Madurai).

Baldev Singh, Sardar (Nawan Shahr).

Balmiki, Shri Kanhaiya Lal (Bulandshahr Distt.—Reserved—Sch. Castes).

Banerjee, Shri Durga Charan (Midnapore-Jhargram).

Bansal, Shri Ghamandi Lal (Jhajjar-Rewari).

Bansilal, Shri (Jaipur).

Barman, Shri Upendranath (North Bengal—Reserved—Sch. Castes).

Barrow, Shri A. E. T. (Nominated—Anglo-Indians).

Barupal, Shri Panna Lall (Ganganagar-Jhunjhun—Reserved—Sch. Castes).

Basappa, Shri C. R. (Tumkur).

Basu, Shri A. K. (North Bengal).

Basu, Shri Kamal Kumar (Diamond Harbour).

Bhagat, Shri B. R. (Patna *cum* Shahabad).

Bhakt Darshan, Shri [Garhwal Distt. (East) *cum* Moradabad Distt.—(North-East)].

Bharati, Shri Goswamiraja Sahdeo (Yeotmal).

Bhargava, Pandit Mukat Behari Lal (Ajmer South).

Bhargava, Pandit Thakur Das (Gurgaon).

Bhartiya, Shri Shaligram Ramchandra (West Khandesh).

Bhatkar, Shri Laxman Shrawan (Buldana-Akola—Reserved—Sch. Castes).

Bhatt, Shri Chandrashanker (Broach).

Bhawanji, Shri (Kutch West).

Bheeka Bhai, Shri (Banswara Dungarpur—Reserved—Sch. Tribes).

Bhonsle, Shri Jagannathrao Krishna Rao (Ratnagiri North).

Bidari, Shri Ramappa Balappa (Bijapur South).

Birbal Singh, Shri [Jaunpur Distt.—(East)].

Biren Dutt, Shri (Tripura West).

Bogawat, Shri U. R. (Ahmednagar

Boovaraghasamy, Shri V. (Perambalur).

Borkar, Shhrimati Anusayabai (Bhan- [illegible] ved—Sch. Castes).

B—*contd.*

Borooah, Shri Dev Kanta (Nowgong).
Bose, Shri P. C. (Manbhum North).
Brajeshwar Prasad, Shri (Gaya East).
Brohmo-Chaudhury, Shri Sitanath (Goalpara-Garo Hills—Reserved—Sch. Tribes).
Buchikotaiah, Shri Sanaka (Masulipatnam).

C

Chakravartty, Shrimati Renu (Basirhat).
Chaliha, Shri Bimalaprosad (Sibsagar—North-Lakhimpur).
Chanda, Shri Anil Kumar (Birbhum).
Chandak, Shri B. L. (Betul).
Chandrasekhar, Shrimati M. (Tiruvallur—Reserved—Sch. Castes).
Charak, Th. Lakshma Singh (Jammu and Kashmir).
Chatterjea, Shri Tushar (Serampore).
Chatterjee, Dr. Susilranjan (West Dinajpur).
Chatterjee, Shri N. C. (Hooghly).
Chattopadhyaya, Shri Harindranath (Vijayavada).
Chaturvedi, Shri Rohanlal (Etah Distt. Central).
Chaudhary, Shri Ganesh Lal [Shahjahanpur Distt.—(North) *cum* Kher —(East)—Reserved—Sch. Castes].
Chaudhuri, Shri Tridib Kumar (Berhampore).
Chavda, Shri Akbar (Banaskantha).
Chettiar, Shri N. Vr. N. Ar. Nagappa (Ramanathapuram).
Chettiar, Shri T. S. Avinashilingam (Tiruppur).
Chowdary, Shri C. R. (Narasaraopet).
Chowdhury, Shri Nikunja Behari (Ghatal).

D

Dabhi, Shri Fulsinhji B. (Kaira North).
Damar, Shri Amar Singh Sabji (Jhabua—Reserved—Sch. Tribes).
Damodaran, Shri G. R. (Pollachi).
Damodaran, Shri Nettur P. (Tellicherry).
Das, Dr. Mono Mohan (Burdwan—Reserved—Sch. Castes).
Das, Shri B. (Jaipur-Keonjhar).
Das, Shri Basanta Kumar (Contai).
Das, Shri Beli Ram (Barpeta).
Das, Shri Bijoy Chandra (Ganjam South).
Das, Shri Kamal Krishna (Birbhum—Reserved—Sch. Castes).
Das, Shri Nayan Tara (Monghyr Sadr *cum* Jamui—Reserved—Sch. Castes).
Das, Shri Ram Dhani (Gaya East—Reserved—Sch. Castes).
Das, Shri Ramananda (Barrackpore).
Das, Shri Sarangadhar (Dhenkanal-West Cuttack).
Das, Shri Shree Narayan (Darbhanga Central).
Dasaratha Deb, Shri (Tripura East).
Datar, Shri Balwant Nagesh (Belgaum North).
Deb, Shri Suresh Chandra (Cachar-Lushai Hills).
Deogam, Shri Kanhu Ram (Chaibasa—Reserved—Sch. Tribes).
Desai, Shri Kanayalal Nanabhai (Surat).
Desai, Shri Khandubhai Kasanji (Halar).
Deshmukh, Dr. Panjabrao S. (Amravati East).
Deshmukh, Shri K. G. (Amravati West).
Deshpande, Shri Govind Hari (Nasik—Central).
Deshpande, Shri Vishnu Ghanashyam (Guna).
Dholakia, Shri Gulab Shankar Amritlal (Kutch East).
Dhulekar, Shri R. V. [Jhansi Distt.—(South)].
Dhusiya, Shri Sohan Lal [Basti Distt.—(Central-East) *cum* Gorakhpur Distt.—(West)—Reserved—Sch. Castes].
Digamber Singh, Shri [Etah Distt.—(West) *cum* Mainpuri Distt.—(West) *cum* Mathura Distt.—(East)].
Diwan, Shri Raghavendrarao Srinvasrao (Osmanabad).
Dube, Shri Mulchand [Farrukhabad Distt. (North)].
Dube, Shri Udai Shankar [Basti Distt. (North)].
Dubey, Shri Rajaram Giridharlal (Bijapur North).
Dutt, Shri Asim Krishna (Calcutta (South-West)].
Dutta, Shri Santosh Kumar (Howrah).
Dwivedi, Shri Dashrath Prasad (Gorakhpur Distt.—Central).
Dwivedi, Shri M. L. (Hamirpur Distt.).

E

Eacharan, Shri Iyyuni (Ponnani—Reserved—Sch. Castes).
Ebenezer, Dr. S. A. (Vikarabad).

E—*contd.*

Elayaperumal, Shri L. (Cuddalore—Reserved—Sch. Castes).

F

Fotedar, Pandit Sheo Narayan (Jammu and Kashmir).

G

Gadgil, Shri Narhar Vishnu (Poona Central).

Gadilingana Gowd, Shri (Kurnool).

Gami Malludora, Shri (Visakhapatnam—Reserved—Sch. Tribes).

Gandhi, Shri Feroze [Pratapgarh Distt. (West) *cum* Rae Bareli Distt. (East)].

Gandhi, Shri Maneklal Maganlal (Panch Mahals *cum* Baroda East).

Gandhi, Shri V. B. (Bombay City—North).

Ganga Devi, Shrimati (Lucknow Distt. *cum* Bara Banki Distt.—Reserved—Sch. Castes).

Ganpati Ram, Shri (Jaunpur Distt. (East)—Reserved—Sch. Castes].

Garg, Shri Ram Pratap (Patiala).

Gautam, Shri C. D. (Balaghat).

Ghose, Shri Surendra Mohan (Malda).

Gosh, Shri Atulya (Burdwan).

Ghulam Qader, Shri (Jammu and Kashmir).

Gidwani, Shri Choithram Partabrai (Thana).

Giri, Shri V. V. (Pathapatnam).

Gohain, Shri Chowkhamoon (Nominated—Assam Tribal Areas).

Gopalan, Shri A. K. (Cannanore).

Gopi Ram, Shri (Mandi-Mahasu-Reserved—Sch. Castes).

Gounder, Shri K. Periaswami (Erode).

Gounder, Shri K. Sakthivadivel (Periaqulam).

Govind Das, Seth (Mandla-Jabalpur South).

Guha, Shri Arun Chandra (Santipur).

Gupta, Shri Badshah (Mainpuri Distt. —East).

Gupta, Shri Sadhan Chandra (Calcutta—South East).

Gurupadaswamy, Shri M. S. (Mysore).

H

Hansda, Shri Benjamin (Purnea *cum* Santal Parganas—Reserved — Sch. Tribes).

Hari Mohan, Dr. (Manbhum North—Reserved—Sch. Castes).

Hasda, Shri Subodh (Midnapore-Jhargram—Reserved—Sch. Tribes).

Hazarika, Shri Jogendra Nath (Dibrugarh).

Heda, Shri H. C. (Nizamabad).

Hembrom, Shri Lal (Santal Parganas *cum* Hazaribagh —Reserved— Sch. Tribes).

Hem Raj, Shri (Kangra).

Hukam Singh, Sardar (Kapurthala-Bhatinda).

Hyder Husein, Chaudhri (Gonda Distt. —North).

I

Ibrahim, Shri A. (Ranchi North-East).

Iqbal Singh, Sardar (Fazilka-Sirsa).

Islamuddin, Shri Muhammad (Purnea—North-East).

Iyyunni, Shri C. R. (Trichur).

J

Jagjivan Ram Shri (Shahabad South —Reserved—Sch. Castes).

Jain, Shri Ajit Prasad (Saharanpur Distt.—West *cum* Mauzaffarnagar Distt.—North).

Jain, Shri Nemi Saran (Bijnor Distt. —South).

Jaipal Singh, Shri (Ranchi West—Reserved—Sch. Tribes.).

Jaisoorya, Dr. N. M. (Medak).

Jajware, Shri Ramraj (Santal Parganas *cum* Hazaribagh).

Jangde, Shri Resham Lal (Bilaspur—Reserved—Sch. Castes).

Jatav-vir, Dr. Manik Chand (Bharatpur-Sawai Madhopur—Reserved — Sch. Castes).

Jayaraman, Shri A. (Tindivanam—Reserved—Sch. Castes).

Jayashri, Shrimati (Bombay—Suburban).

Jena, Shri Kanhu Charan (Balasore—Reserved—Sch. Castes).

Jena, Shri Lakshmidhar (Jajpur-Keonjhar—Reserved—Sch. Castes).

Jena, Shri Niranjan (Dhenkanal—West Cuttack—Reserved—Sch. Castes).

Jethan, Shri Khenwar (Palamau *cum* Hazaribagh *cum* Ranchi—Reserved—Sch. Tribes.).

Jhunjhunwala, Shri Banarsi Prasad (Bhagalpur Central).

Jogendra Singh, Sardar (Bahraich Distt.—West).

Joshi, Shri Anand Chandra (Shahdol —Sidhi).

J—contd.

Joshi, Shri Jethalal Harikrishna (Madhya Saurashtra).

Joshi, Shri Krishnacharya (Yadgir).

Joshi, Shri Liladhar (Shajapur-Rajgarh).

Joshi, Shri Moreshwar Dinkar (Ratnagir South).

Joshi, Shri Nandlal (Indore).

Joshi, Shrimati Subhadra (Karnal).

Jwala Prasad, Shri (Ajmer North).

K

Kachiroyar, Shri N. D. Govindaswami (Cuddalore).

Kajrolkar, Shri Narayan Sadoba (Bombay City—North—Reserved—Sch. Castes).

Kakkan, Shri P. (Madurai—Reserved—Sch. Castes).

Kale, Shrimati Anasuyabai (Nagpur).

Kamal Singh, Shri (Shahabad—North-West).

Kamath, Shri Hari Vishnu (Hoshangabad).

Kamble, Dr. Devrao Nambevrao (Nanded—Reserved—Sch. Castes).

Kandasamy, Shri S. K. Babie (Tiruchengode).

Kanungo, Shri Nityanand (Kendrapara).

Karmarkar, Shri D. P. (Dharwar North).

Karni Singhji, His Highness Maharaja Sri Bahadur of Bikaner (Bikaner-Churu).

Kasliwal, Shri Nemi Chandra (Kotah-Jhalawar).

Katham, Shri Birendranath (North Bengal—Reserved—Sch. Tribes).

Katju, Dr. Kailas Nath (Mandsaur).

Kayal, Shri Paresh Nath (Basirath—Reserved—Sch. Castes).

Kazmi, Shri Syed Mohammad Ahmad (Sultanpur Distt.—North cum Faizabad Distt.—South-West).

Kalappan, Shri K. (Ponnani).

Keshavaiengar, Shri N. (Bangalore North).

Keskar, Dr. B. V. (Sultanpur Distt.—South).

Khan, Shri Sadath Ali (Ibrahimpatnaam

Khardekar, Shri B. H. (Kolhapur *cum* Satara).

Khare, Dr. N.

Khedkar, Shri Gopalrao Bajirao (Buldana-Akola).

Khongmen, Shrimati B. (Autonomous Distt.—Reserved—Sch. Tribes).

Khuda Baksh, Shri Muhammed (Murshidabad).

Kirolikar, Shri Wasudeo Shridhar (Durg).

Kolay, Shri Jagannath (Bankura).

Kottukappally, Shri George Thomas (Meenachil).

Kripalani, Acharya J. B. (Bhagalpur *cum* Purnea).

Krishna, Shri M. R. (Karimnagar—Reserved—Sch. Castes).

Krishna Chandra, Shri (Mathura Distt.—West).

Krishnamachari, Shri T. T. (Madras).

Krishnappa, Shri M. V. (Kolar).

Krishnaswami, Dr. A. (Kancheepuram).

Kureel, Shri Baij Nath (Pratapgarh Distt.—West *cum* Rae Bareli Distt.—East—Reserved—Sch. Castes).

Kureel, Shri Piare Lal (Banda Distt. *cum* Fatehpur Distt.—Reserved—Sch. Caste).

Lakshmayya, Shris Paidi (Anantapur).

Lal Singh, Sardar (Ferozepur-Ludhiana).

Lallanji, Shri (Faizabad Distt.—North-West).

Laskar, Shri Nibaran Chandra (Cachar-Lushai Hills—Reserved—Sch. Castes).

Lingam, Shri N. M. (Coimbatore).

Lotan Ram, Shri (Jalaun Distt. *cum* Etawah Distt.—West *cum* Jhansi Distt.—North—Reserved—Sch. Castes).

M

Madiah Gowda, Shri (Bangalore South).

Mahapatra, Shri Sibnarayan Singh (Sundargarh—Reserved—Sch. Tribes).

Mahata, Shri Bhajahari (Manbhum South *cum* Dhalbhum).

Mahodaya, Shri Vaijanath (Nimar).

Majhi, Shri Chaitan (Manbhum—South *cum* Dhalbhum—Reserved—Sch. Tr

Majhi, Shri Ram Chandra (Mayurbhanj—Reserved—Sch. Tribes).

Majithia, Sardar, Surjit Singh (Taran Taran)

Malaviya, Shri Keshava Deva (Gorda Distt.—East *cum* Basti Distt.—West).

Malliah, Shri U. Srinivasa (South Kanara—North).

Malvia, Shri Bhagu-Nandu (Shajapur-Rajgarh—Reserved—Sch. Castes).

Malvia, Pandit Chatur Narain (Raisen).

Malvia, Shri Motilal (Chhatarpur-Datia-Tikamgarh—Reserved—Sch. Castes).

Mandal, Dr. Pashupati (Bankura—Reserved—Sch. Castes.)

M—*contd.*

Mascarene, Kumari Annie (Trivandrum).

Masuodi, Maulana Mohammad Saeed (Jammu and Kashmir).

Masuriya Din, Shri (Allahabad Distt.—East *cum* Jaunpur Distt.—West—Reserved—Sch. Castes).

Mathew, Shri C. P. (Kottayam).

Mathuram, Dr. Edward Paul (Tiruchirapalli)

Matthen, Shri C. P. (Thiruvellah).

Mavalankar, Shrimati Sushila (Ahmedabad).

Maydeo, Shrimati Indira A. (Poona South).

Mehta, Shri Asoka (Bhandara).

Mehta, Shri Balvantray Gopaljee (Gohilwad).

Mehta, Shri Balwant Singh (Udaipur).

Mehta, Shri Jaswantraj (Jodhpur).

Menon, Shri K. A. Damodara (Kozhikode).

Minimata, Shrimati (Bilaspur-Durg-Raipur—Reserved—Sch. Castes).

Mishra, Pandit Suresh Chandra (Monghyr—North-East).

Mishra, Shri Bibhuti (Saran *cum* Champaran).

Mishra, Shri Lalit Narayan (Darbhanga *cum* Bhagalpur).

Mishra, Shri Lokenath (Puri).

Mishra, Shri Mathura Prasad (Monghyr—North-West).

Mishra, Shri Shyam Nandan (Darbhanga—North).

Misra, Pandit Lingaraj (Khurda).

Misra, Shri Bhupendra Nath (Bilaspur-Drug-Raipur).

Misra, Shri Raghubar Dayal (Bulandshahr Distt.)

Misra, Shri Sarju Prasad (Deoria Distt.—South).

Missir, Shri Vijineswar (Gaya North).

Mohd. Akbar Sofi (Jammu and Kashmir).

Mohiuddin, Shri Ahmed (Hyderabd City).

Moitra, Shri Mohit Kumar (Calcutta North-West).

Morarka, Shri Radheshyam Ramkumar (Ganganagar-Jhunjhnu).

More, Shri K. L. (Kolhapur *cum* Satara—Reserved—Sch. Castes).

More, Shri Shankar Shantaram (Sholapur).

Muchaki Kosa, Shri (Bastar—Reserved—Sch. Tribes).

Mudaliar, Shri C. Ramaswami (Kumbakonam).

Mohammed Shafi, Chaudhuri (Jammu and Kashmir).

Mukerjee, Shri Hirendra Nath (Calcutta—North-East).

Mukne, Shri Y. M. (Thana—Reserved—Sch. Tribes).

Muniswamy, Shri N. R. (Wandiwash).

Muniswamy, Shri V. (Trindivanam).

Murli Manohar, Shri (Ballia Distt. East).

Murthy, Shri B. S. (Eluru).

Musafir, Giani Gurmukh Singh (Amritsar).

Mushar, Shri Kirai (Bhagalpur *cum* Purnea—Reserved—Sch. Castes).

Muthukrishnan, Shri M. (Vellore—Reserved—Sch. Castes).

N

Naidu, Shri Govindarajalu (Tiruvallur).

Naidu, Shri Nalla Reddi (Rajahmundry).

Nair, Shri C. Krishnan (Outer Delhi).

Nair, Shri N. Sreekantan (Quilon *cum* Mavelikkara).

Nambiar, Shri K. Ananda (Mayuram).

Nanadas, Shri Mangalagiri (Ongole—Reserved—Sch. Castes).

Nanda, Shri Gulzarilal (Sabarkantha).

Narasimham, Shri S. V. L. (Guntur).

Narasimhan, Shri C. R. (Krishnagiri).

Naskar, Shri Purnendu Sekhar (Diamond Harbour—Reserved—Sch. Castes).

Natarajan, Shri S. S. (Srivilliputhur).

Natawadkar, Shri Jayantrao Ganpat (West Khandesh—Reserved—Sch. Tribes).

Nathani, Shri Hari Ram (Bhilwara).

Nathwani, Shri Narendra P. (Sorath).

Nayar, Shri V. P. (Chirayinkil).

Nehru, Shri Jawaharlal (Allahabad Distt.—East *cum* Jaunpur Distt.—West).

Nehru, Shrimati Shivrajvati (Lucknow Distt.—Central).

Nehru, Shrimati Uma (Sitapur Distt. *cum* Kheri Distt.—West).

Nesamony, Shri A. (Nagercoil).

Neswi, Shri T. R. (Dharwar—South).

Nevatia, Shri R. P. (Shahjahanpur Distt.—North *cum* Kheri—East).

P

Palchoudhury, Shrimati Ila (Nabadwip).

Pande, Shri Badri Dutt (Almora Distt.—North-East).

Pande, Shri C. D. (Naini Tal Distt. *cum* Almora Distt.—South-West *cum* Bareilly Distt.—North).

P—*contd.*

Pannalal, Shri (Faizabad Distt.—North-West—Reserved—Sch. Castes).

Paragi Lal, Chaudhari (Sitapur Distt. *cum* Kheri Distt.—West—Reserved—Sch. Castes).

Paranjpe, Shri R. G. (Bhir).

Parekh, Dr. Jayantilal Narbheram (Zalawad).

Parikh, Shri Shantilal Girdharilal (Mehsana East).

Parmar, Shri Rupaji Bhavji (Panch Mahals *cum* Baroda East—Reserved—Sch. Tribes).

Pataskar, Shri Hari Vinayak (Jalgaon).

Patel, Shri Bahadurbhai Kunthabhai (Surat—Reserved—Sch. Tribes).

Patel, Shri Rajeshwar (Muzaffarpur *cum* Darbhanga).

Patel, Shrimati Maniben Vallabhbhai (Kaira South).

Pateria, Shri Sushil Kumar (Jabalpur North).

Patil, Shri P. R. Kanavade (Ahmednagar North).

Patil, Shri S. K. (Bombay City—South).

Patil, Shri Shankargauda Veeranagauda (Belgaum South).

Patnaik, Shri Uma Charan (Ghumsur).

Pawar, Shri Vyankatrao Pirajirao (South Satara).

Pillai, Shri P. T. Thanu (Tirunelveli).

Pocker Saheb, Shri B. (Malaopuram).

Prabhakar, Shri Naval (Outer Delhi—Reserved—Sch. Castes).

Punnoose, Shri P. T. (Alleppey).

R

Rachiah, Shri N. (Mysore—Reserved Sch. Castes).

Radha Raman, Shri (Delhi City).

Raghavachari, Shri K. S. (Penikonda).

Raghavaiah, Shri Pisupati Venkata (Ongole).

Raghubir Sahai, Shri (Etah Distt.—North-East *cum* Budaun Distt.—East).

Raghubir Singh, Choudhary (Agra Distt.—East).

Raghunath Singh, Shri (Banaras Distt. Central).

Raghuramaiah, Shri Kotha (Tenali).

Rahman, Shri M. Hifzur (Moradabad Distt.—Central).

Raj Bahadur, Shri (Jaipur-Sawai Madhopur).

Rajabhoj, Shri P. N. (Sholapur—Reserved—Sch. Castes).

Ramachander, Dr. D. (Vellore).

Ramanand Shastri, Swami (Unnao Distt. *cum* Rae Bareli Distt.—West *cum* Hardoi Distt.—South-East-Reserved—Sch. Castes).

Ramananda Tirtha, Swami (Gulberga.)

Ramasami, Shri M. D. (Arruppukkottai).

Ramaseshaiah, Shri N. (Parvathipuram).

Ramaswamy, Shri P. (Mahbubnagar—Reserved—Sch. Castes).

Ramaswamy, Shri S. V. (Salem).

Ram Dass, Shri (Hoshiarpur—Reserved—Sch. Castes).

Ram Krishan, Shri (Mohindergarh).

Ramnarayan Singh, Babu (Hazaribagh West).

Ram Saran, Shri (Moradabad Distt.—West).

Ram Shankar Lal, Shri (Basti Distt.—Central-East *cum* Gorakhpur Distt.—West).

Ram Subhag Singh, Dr. (Shahabad South).

Ranbir Singh, Ch. (Rohtak).

Randaman Singh, Shri (Shahdol-Sidhi—Reserved—Sch. Tribes).

Rane, Shri Shivram Rango (Bhusaval).

Ranjit Singh, Shri (Sangrur).

Rao, Dr. Ch. V. Rama (Kakinada).

Rao, Shri B. Rajagopala (Srikakulam).

Rao, Shri B. Shiva (South Kanara—South).

Rao, Shri Kadyala Gopala (Gudiveda).

Rao, Shri Kanety Mohana (Rajahmundry—Reserved—Sch. Castes).

Rao, Shri Kondru Subba (Eluru—Reserved—Sch. Castes).

Rao, Shri P. Subba (Nowrangpur).

Rao, Shri Pendyal Raghava (Warangal).

Rao, Shri Rayasam Seshagiri (Nandyal).

Rao, Shri T. B. Vittal (Khammam).

Raut, Shri Bhola (Saran *cum* Champaran—Reserved—Sch. Castes).

Ray, Shri Birakisor (Cuttack).

Razmi, Shri Said Ullah Khan (Sehore).

Reddi, Shri B. Ramachandra (Nellore).

Reddi, Shri C. Madhao (Adilabad).

Reddy, Shri Y. Eswara (Cuddapah).

Reddy, Shri Baddam Yella (Karimnagar).

Reddy, Shri K. Janardhan (Mahbubnagar).

Reddy, Shri Ravi Narayan (Nalgonda).

Reddy, Shri T. N. Vishwanatha (Chittoor).

Richardson, Bishop John (Nominated—Andaman and Nicobar Islands).

Rishang Keishing, Shri (Outer Manipur—Reserved—Sch. Tribes).

R—*Contd.*

Roy, Dr. Satyaban (Uluberia).

Roy, Shri Bishwa Nath (Deoria Distt.—West).

Rup Narain, Shri (Mirzapur Distt. *cum* Banaras Distt.—West—Reserved—Sch. Castes).

S

Sahaya, Shri Syamnandan (Muzaffarpur Central).

Sahu, Shri Bhagabat (Balasore).

Sahu, Shri Rameshwar (Muzaffarpur *cum* Darbhanga—Reserved—Sch. Castes).

Saigal, Sardar Amar Singh (Bilaspur).

Saksena, Shri Mohanlal (Lucknow Distt. *cum* Bara Banki Distt.).

Saksena, Shri Shibban Lal (Gorakhpur Distt.—North).

Samanta, Shri Satis Chandra (Tamluk).

Sanganna, Shri T. (Rayagada-Phulbani—Reserved—Sch. Tribes).

Sankarapandian, Shri M. (Sankaranayinarkovil).

Sarma, Shri Debendra Nath (Gauhati).

Sarmah, Shri Debeswar (Golaghat-Jorhat).

Satish Chandra, Shri (Bareilly Distt South).

Satyawadi, Dr. Virendra Kumar (Karnal—Reserved—Sch. Castes).

Sen, Shri Phani Gopal (Purnea Central)

Sen, Shri Raj Chandra (Kotah-Bundi)

Sen, Shrimati Sushama (Bhagalpur South).

Sewal, Shri A. R. (Chamba-Sirmur).

Shah, Shrimati Kamalendu Mati (Garhwal Distt.—West *cum* Tehri Garhwal Distt. *cum* Bijnor Distt.—North).

Shah, Shri Chimanlal Chakubhai (Gohilwad-Sorath).

Shah, Shri Raichand Bhai N. (Chhindwara).

Shahnawaz Khan, Shri (Meerut Distt.—North-East).

Shakuntala Nayar, Shrimati (Gonda Distt.—West).

Sharma, Pandit Balkrishna (Kanpur Distt.—South *cum* Etawah Distt.—East).

Sharma, Pandit Krishna Chandra (Meerut Distt.—South).

Sharma, Shri Diwan Chand (Hoshiarpur).

Sharma, Shri Khushi Ram (Meerut Distt.—West).

Sharma, Shri Nand Lal (Sikar).

Sharma, Shri Radha Charan (Morena-Bhind).

Shastri, Shri Algu Rai (Azamgarh Distt.—East *cum* Ballia Distt.—West).

Shastri, Shri Raja Ram (Kanpur Distt.—Central).

Shivananjappa, Shri M. K. (Mandya).

Shobha Ram, Shri (Alwar).

Shriman Narayan, Shri (Wardha).

Shukla, Pandit Bhagwaticharan (Durg-Bastar).

Siddananjappa, Shri H. (Hassan Chikmagalur).

Singh, Shri C. Saran (Surguja-Raigarh).

Singh, Shri Digvijaya Narain (Muzaffarpur—North-East).

Singh, Shri Dinesh Pratap (Bahraich Distt.—East).

Singh, Shri Girraj Saran (Bharatpur-Sawai Madhopur).

Singh, Shri Har Prasad (Ghazipur Distt.—West).

Singh, Shri L. Jogeshwar (Inner Manipur).

Singh, Shri Mahendra Nath (Saran Central).

Singh, Shri Ram Nagina (Ghazipur Distt.—East *cum* Ballia Distt.—South-West).

Singh, Shri Tribhuan Narayan (Banaras Distt.—East).

Singhal, Shri Shri Chand (Aligarh Distt.).

Sinha, Dr. Satyanarain (Saran East).

Sinha, Shri Anurudha (Darbhanga East).

Sinha, Shri Awadheshwar Prasad (Muzaffarpur East).

Sinha, Shri Banarsi Prasad (Monghyr Sadr *cum* Jamui).

Sinha, Shri Gajendra Prasad (Palamau *cum* Hazaribagh *cum* Ranchi).

Sinha, Shri Jhulan (Saran North).

Sinha, Shri Kailash Pati (Patna Central).

Sinha, Shri Nageshwar Prasad (Hazaribagh East).

Sinha, Shri S. (Pataliputra).

Sinha, Shri Satya Narayan (Samastipur East).

Sinha, Shri Satyendra Narayan (Gaya West).

Sinha, Shrimati Tarkeshwari (Patna East).

Sinha, Thakur Jugal Kishore (Muzaffarpur—North West).

Sinhasan Singh, Shri (Gorakhpur Distt.—South).

Siva, Dr. M. V. Gangadhara (Chittoor—Reserved—Sch. Castes).

Snatak Shri Nardeo (Aligarh Distt—Reserved—Sch Castes).

Sodhia, Shri Khub Chand (Sagar).

Somana, Shri N. (Coorg).

Somani, Shri G. D. (Nagaur-Pali).

S—*Contd.*

Subramanyam, Shri Kandala (Vizianagaram).

Subramanyam, Shri Tekur (Bellary)

Subramania Chettiar, Shri (Dharmapuri).

Sundaram, Dr. Lanka (Visakhapatnam).

Sunder Lall, Shri (Saharanpur Distt.—West *cum* Muzaffarnagar Distt.—North—Reserved—Sch. Castes).

Suresh Chandra Dr. (Aurangabad).

Suriya Prashad, Shri (Morena-Bhind—Reserved—Sch. Castes).

Swami, Shri Sivamurthi (Kushtagi).

Swaminadhan, Shrimati Ammu (Dindigul).

Syed Mahmud. Dr. (Champaran East).

T

Tandon Shri Purushottamdas (Allahabad Distt.—West).

Tek Chand, Shri (Ambala-Simla).

Telkikar, Shri Shankar Rao (Nanded).

Tewari, Sardar Raj Bhanu Singh (Rewa).

Thimmaiah Shri Dodda (Kolar—Reserved—Sch. Castes).

Thirani, Shri G. D. (Bargarh).

Thomas, Shri A. M. (Ernakulam).

Thomas, Shri A. V. (Srivaikuntam).

Tivary, Shri Venkatesh Narayan (Kanpur Distt.—North *cum* Farrukhabad Distt.—South).

Tiwari, Pandit B. L. (Nimar).

Tiwari, Shri Ram Sahai (Chhatarpur-Datia-Tikamgarh).

Tiwary, Pandit Dwarka Nath (Saran South).

Tripathi, Shri Hira Vallabh (Muzaffarnagar Distt.—South).

Tripathi, Shri Kamakhya Prasad (Darrang).

Tripathi, Shri Vishwambhar Dayal (Unnao Distt. *cum* Rae Bareli Distt.—West *cum* Hardoi Distt.—South-East).

Trivedi, Shri Umashankar Muljibhai (Chittor).

Tulsidas Kilachand, Shri (Mehsana West).

Tyagi. Shri Mahavir (Dehra Dum Distt. *cum* Bijnor Distt.—North-West *cum* Saharanpur Distt.—West).

U

Uikey. Shri M. G. (Mandla-Jabalpur—South—Reserved—Sch. Tribes).

Upadhyay, Pandit Munishwar Dutt (Pratapgarh Distt.—East).

Upadhyaya, Shri Shiva Datt (Satna).

V

Vaishnav, Shri Hanamantrao Ganeshrao (Ambad).

Vaishya, Shri Muldas Bhuderdas (Ahmedabad—Reserved—Sch. Castes).

Valatharas, Shri K. M. (Pudukkottai).

Verma, Shri B. B. (Champaran North).

Verma, Shri Manik Lal (Tonk).

Veeraswamy, Shri V. (Mayuram—Reserved—Sch. Castes).

Velayudhan, Shri R. (Quilon *cum* Mavelikkara—Reserved—Sch. Castes).

Venkataraman, Shri R. (Tanjore).

Verma, Shri Bulaqi Ram (Hardoi Distt.—North-West *cum* Farrukhabad Distt.—East *cum* Shahjahanpur Distt.—South—Reserved—Sch. Castes).

Verma, Shri Ramji (Deoria Distt.—East).

Vidyalankar, Shri Amarnath (Jullundur).

Vishwanath Prasad, Shri (Azamgarh Distt. West—Reserved—Sch. Castes).

Vyas, Shri Radhelal (Ujjain).

W

Waghmare, Shri Narayan Rao (Parbhani).

Wilson, Shri J. N. (Mirzapur Distt. *cum* Banaras Distt.—West).

Wodeyar, Shri K. G. (Shimoga).

Z

Zaidi, Col. B. H. (Hardoi Distt.—North-West *cum* Farrukhabad Distt.—East *cum* Shahjahanpur Distt.—South).

LOK SABHA

The Speaker

Shri M. Ananthasayanam Ayyangar

The Deputy-Speaker

Sardar Hukam Singh.

Panel of Chairmen

Pandit Thakur Das Bhargava.
Shri K. S. Raghavachari.
Shri Upendranath Barman.
Shri Frank Anthony.
Srimati Renu Chakravartty.
Srimati Sushama Sen.

Secretary

Shri M. N. Kaul, Barrister-at-Law.

Business Advisory Committee

Shri M. Ananthasayanam Ayyangar (*Chairman*).
Sardar Hukam Singh.
Pandit Thakur Das Bhargava.
Shrimati Renu Chakravartty.
Shri Satya Narayan Sinha.
Shri A. M. Thomas.
Shri Narhar Vishnu Gadgil.
Shri Nageshwar Prasad Sinha.
Shri Dev Kanta Borooah.
Shri M. L. Dwivedi.
Shri Raghubir Sahai.
Shri Asoka Mehta.
Shri B. Ramachandra Reddi.
Shri Uma Charan Patnaik.
Shri Jaipal Singh.

Committee of Privileges

Sardar Hukam Singh (*Chairman*).
Shri Hari Vinayak Pataskar.
Shri Satya Narayan Sinha.
Pandit Munishwar Dutt Upadhyay.
Shri Dev Kanta Borooah.
Shri R. Venkataraman.
Shri Tekur Subrahmanyam.
Shri Nemi Chandra Kasliwal.
Shri A. K. Gopalan.
Shri J. B. Kripalani.
Shri S. S. More.
Shri Frank Anthony.
Nemi Saran Jain.
Shri Ram Sahai Tiwari.
Shri Lachman Singh Charak.

Committee on Absence of Members from the sittings of the House

Shri Ganesh Sadashiv Altekar (*Chairman*).
Shri Ganeshi Lal Chaudhary.
Shri Ram Shankar Lal.
Shri B L. Chandok.
Shri Padi Lakshmayya.
Shri Mahendra Nath Singh.
Shri Shivram Rango Rane.
Shri Fulsinhji B. Dabhi.
Shri Bhagwat Jha 'Azad'.
Shri Ram Dass.
Shri U. M. Trivedi
Shrimati Kamlendu Mati Shah.
Shri C. R. Chowdary.
Shri K. M. Vallatharas
Shri Vijneshwar Missir.

Committee on Assurances

Shri K. S. Raghavachari (*Chairman*).
Shri Jaswantraj Mehta.
Shri T. B. Vittal Rao.
Shri K. A. Damodara Menon.
Shri A. E. T. Barrow.
Shri Anirudha Sinha.
Shri Radha Charan Sharma.
Shrimati Tarkeshwari Sinha.
Pandit Krishna Chandra Sharma.
Shri C. P. Matthen.
Sardar Iqbal Singh.
Shri Basanta Kumar Das.
Shri Bhupendra Nath Misra.
Shri R. Venkataraman.
Pandit Lingaraj Misra.

Committee on Petitions

Shri Kotha Raghuramaiah (*Chairman*).
Shri Shiva Datt Uapadhyaya.
Shri K. T. Achuthan.
Shri Sohan Lal Dhusiya.
Shri S. C. Deb.
Shri Liladhar Joshi.
Shri U. R. Bogawat.
Shri Jethaial Harikrishna Joshi.
Shri Ramraj Jajware.
Shri Resham Lal Jangde.
Shri P. N. Rajabhoj.
Shri P. Subba Rao.
Shri Anandchand.
Dr. Ch. V. Rama Rao.
Shri Ramji Verma.

Committee on Private Members' Bills and Resolutions

Sardar Hukam Singh (*Chairman*).
Shri Raghunath Singh.
Shri Nageshwar Prasad Sinha.
Shri Ganesh Sadashiv Altekar.
Shri Goswamiraja Sahedeo Bharati.
Shri Narendra P. Nathwani.
Shri Radheshyam Ramkumar Morarka.
Shrimati Ila Palchoudhuri.
Shri N. Rachiah.
Shri B. Ramachandra Reddi.
Shri Jaipal Singh.
Shri T. B. Vittal Rao.
Shri C. Madhao Reddi.
Shri N. Sreekantan Nair.
Shri Rayasam Seshagiri Rao.

Committee on Subordinate Legislation.

Shri N. C. Chatterjee (*Chairman*).
Shri S. V. Ramaswamy.
Shri N. M. Lingam.
Shri A. Ibrahim.
Shri Hanamantrao Ganeshrao Vaishna.
Shri Tek Chand.
Shri Ganpati Ram.
Shri Nandlal Joshi.
Shri Diwan Chand Sharma.
Shri Hem Raj.
Shri H. Siddananjappa.
Dr. A. Krishnaswami.
Shri Tulsidas Kilachand.
Shri Hirendra Nath Mukerjee.
Shri M. S. Gurupadaswamy.

Estimates Committee

Shri Balvantray Gopaljee Mehta. (*Chairman*).
Shri B. S. Murthy.
Shrimati B. Khongmen.
Shri Nageshwar Prasad Sinha.
Shri B. L. Chandak.
Shri Amar Nath Vidyalankar.
Shri Venkatesh Narayan Tivary.
Shri Satis Chandra Samanta.
Shri Raghavendrarao Srinivasrao Diwan.
Shri M. R. Krishna.
Shri Jethalal Harikrishna Joshi.
Shri Subba Rao.
Shri P. N. Rajabhoj.
Shri Vishnu Ghanashyam Deshpande.
Shri Satyendra Narayan Sinha.
Pandit Dwarka Nath Tiwary.
Shri C. R. Narasimhan.
Shri Raghubir Sahai.
Pandit Algu Rai Shastri.
Shri Abdus Sattar.
Shri Lakshman Singh Charak.
Shri N. Rachiah.
Shri Radheshyam Ramkumar Morarka.
Shri Mangalagiri Nanadas.
Shri T. B. Vittal Rao.
Shri Y. Gadilingana Gowd.
Shri Jaswantraj Mehta.
Shri A. E. T. Barrow.
Shri Choithram Partabrai Gidwani.

General Purposes Committee

Shri M. Ananthasayanam Ayyangar. (*Chairman*).
Sardar Hukam Singh.
Pandit Thakur Das Bhargava.
Shri Upendra Nath Barman.
Shri Frank Anthony.
Shrimati Renu Chakravartty.
Shrimati Sushama Sen.
Shri K. S. Raghavachari.
Shri B. G. Mehta.
Shri V. B. Gandhi.
Shri Satya Narayan Sinha.
Shri N. C. Chatterjee.
Shri Kotha Raghuramaiah.
Shri G. S. Altekar.
Shri U. S. Malliah.
Shri A. K. Gopalan.
Shri Tulsidas Kilachand.
Shri J. B. Kripalani.
Shri Uma Charan Patnaik.
Dr. A. Krishnaswami.

House Committee

Shri U. Srinivasa Malliah. (*Chairman*)
Shri Birbal Singh.
Shri Radha Charan Sharma.
Shri George Thomas Kottukapally.
Shri Digvijaya Narain Singh.
Shri Krishnacharya Joshi.
Shri N. Somana.
Shri Bhupendra Nath Misra.
Shri N. D. Govindaswami Kachiroyar.
Shri Raj Chandra Sen.
Shri K. Ananda Nambiar.
Shri M. S. Gurupadaswamy.

Joint Committee on Salaries and Allowances of Members of Parliament

Lok Sabha

Shri Satya Narayan Sinha. (*Chairman*)
Shri Bhagwat Jha 'Azad'
Shri U. Srinivasa Malliah.
Shri Diwan Chand Sharma.
Shri Jagan Nath Kolay.
Shri G. H. Deshpande.
Shri Nemi Chandra Kasliwal.
Shri N. C. Chatterjee.
Shri P. T. Punnoose.
Shri Asoka Mehta.

Rajya Sabha

Shri H. C. Dasappa.
Shri D. Narayana.
Shri R. P. N. Sinha.
Shrimati Chandravati Lakhanpal.
Shri V. K. Dhage.

Library Committee

Lok Sabha

Sardar Hukam Singh. (*Chairman*)
Shri V. N. Tivary.
Shri M. L. Dwivedi.
Shri U. C. Patnaik.
Shri M. D. Joshi.
Shri H. N. Mukerjee.

Rajya Sabha

Shri R. D. Sinha 'Dinkar'.
Shri Theodre Bodra.
Shrimati Lilavati Munshi.

Public Accounts Committee

Lok Sabha

Shri V. B. Gandhi. (*Chairman*)
Shri K. G. Deshmukh.
Shri U. Srinivasa Malliah.
Shri Diwan Chand Sharma.
Shri C. D. Pande.
Shri Kamal Kumar Basu.
Shri V. Boovaraghasamy.
Shri Jaipal Singh.
Shri Nibaran Chandra Laskar.
Shrimati Tarkeshwari Sinha.
Shri Tribhuan Narayan Singh.
Shri Radhelal Vyas.
Shri C. P. Matthen.
Shri J. B. Kripalani.
Shrimati Shakuntala Nayar.

Public Accounts Committee—*contd.*

Rajya Sabha

Shri G. Ranga.
Shri R. M. Deshmukh.
Shrimati Pushpalata Das.
Shri Shyam Dhar Misra.
Shri P. T. Leuva.
Shri B. C. Ghose.
Shri J. V. K. Vallabharao.

Rules Committee

Shri M. Ananthasayanam Ayyangar. (*Chairman*)
Sardar Hukam Singh.
Pandit Thakur Das Bhargava.
Shri Satya Narayan Sinha.
Shri N. Keshavaiengar.
Shri Shivram Rango Rane.
Shri Ghamandi Lal Bansal.
Shri Khushi Ram Sharma.
Shri Kotha Raghuramaiah.
Shri Satis Chandra Samanta.
Dr. N. M. Jaisoorya.
Shri N. C. Chatterjee.
Shri Kamal Kumar Basu.
Shri K. S. Raghavachari.

GOVERNMENT OF INDIA

Members of the Cabinet

Prime Minister and Minister of External Affairs and also in charge of the Department of Atomic Engery—Shri Jawaharlal Nehru.
Minister of Education and Natural Resources and Scientific Research—Maulana Abul Kalam Azad.
Minister of Home Affairs—Pandit Govind Ballabh Pant.
Minister of Heavy Industries and Commerce and Consumer Industries—Shri Morarji Desai.
Minister of Communications—Shri Jagjivan Ram.
Minister of Health—Rajkumari Amrit Kaur.
Minister of Planning and Irrigation and Power—Shri Gulzarilal Nanda.
Minister of Defence—Dr. Kailas Nath Katju.
Minister of Finance and Iron and Steel—Shri T. T. Krishnamachari.
Minister of Law and Minority Affairs—Shri C. C. Biswas.
Minister of Railways and Transport—Shri Lal Bahadur Shastri.
Minister of Works, Housing and Supply—Sardar Swaran Singh.
Minister of Production—Shri K. C. Reddy.
Minister of Food and Agriculture—Shri Ajit Prasad Jain.
Minister of Labour—Shri Khandubhai Desai.
Minister without Portfolio—Shri V. K. Krishna Menon.

Ministers of Cabinet Rank (but not members of the Cabinet)

Minister of Parliamentary Affairs—Shri Satya Narayan Sinha.
Minister of Defence Organisation—Shri Mahavir Tyagi.
Minister of Information and Broadcasting—Dr. B. V. Keskar.
Minister of Trade—Shri D. P. Karmarkar.
Minister of Agriculture—Dr. Panjabrao S. Deshmukh.
Minister in the Ministry of External Affairs—Dr. Syed Mahmud.
Minister of Legal Affairs—Shri Hari Vinayak Pataskar.
Minister of Natural Resources—Shri K. D. Malaviya.
Minister of Revenue and Civil Expenditure—Shri M.C. Shah.
Minister of Revenue and Defence Expenditure—Shri Arun Chandra Guha.
Minister of Rehabilitation—Shri Mehr Chand Khanna.
Minister of Consumer Industries—Shri Nityanand Kanungo.
Minister in the Ministry of Communication—Shri Raj Bahadur.
Minister in the Ministry of Home Affairs—Shri B. N. Datar.
Minister of Heavy Industries—Shri M. M. Shah.
Minister of Community Department—Shri Surendra Kumar Dey.

Deputy Ministers

Deputy Minister of Defence—Sardar S. S. Majithia.
Deputy Minister of Labour—Shri Abid Ali.
Deputy Minister of Rehabilitation—Shri J. K. Bhonsle.
Deputy Minister of Railways and Transport—Shri O. V. Alagesan.
Deputy Minister of Health—Shrimati M. Chandrasekhar.
Deputy Minister of External Affairs—Shri Anil Kumar Chanda.
Deputy Minister of Food —Shri M. V. Krishnappa.
Deputy Minister of Irrigation and Power—Shri Jaisukhlal Hathi.
Deputy Minister of Production—Shri Satish Chandra.
Deputy Minister of Planning—Shri Shyam Nandan Mishra.
Deputy Minister of Education—Dr. K. L. Shrimali.
Deputy Minister of Finance—Shri Bali Ram Bhagat.
Deputy Minister of Education—Dr. Mono Mohon Das.
Deputy Minister of Railways and Transport—Shri Shahnawaz Khan.

Parliamentary Secretaries

Parliamentary Secretary to the Minister of External Affairs—Shrimati Lakshmi N. Menon.
Parliamentary Sectretary to the Minister of External Affairs—Shri Jogendra Hazarika.
Parliamentary Secretary to the Minister of Production—Shri Rajaram Giridharlal Dube
Parliamentary Secretary to the Minister of External Affairs—Shri Sadath Ali Khan.
Parliamentary Secretary to the Minister of Information and Broadcasting—Shri G. Rajagopalan.
Parliamentary Secretary to the Minister of Works, Housing and Supply—Shri Purnendu Sekhar Naskar.

LOK SABHA DEBATES

Acc. No. 25637
Dated 15.04.2015

(Part I—Question and Answers)

VOL. VIII.] FIRST DAY OF THE FOURTEENTH SESSION OF FIRST PARLIAMENT OF INDIA [NO. 1

LOK SABHA

Wednesday, the 14th November 1956

The Lok Sabha met at Eleven

[MR. SPEAKER SHRI M. ANTHASAYANAM

ORAL ANSWERS TO QUESTIONS

Burmah-Shell Oil Refinery

*1. **Shri Bansal:**
Shri Gidwani:
Shri Bahadur Singh:
Shri Krishnacharya Joshi:
Shri Bishwa Nath Roy:
Dr. Ram Subhag Singh:
Shri Shree Narayan Das:
Shri B. D. Pande:

Will the Minister of **Production** be pleased to state:

(a) whether the Burmah-Shell Oil Refinery have voluntarily offered to forgo the duty protection of two annas per imperial gallon which it enjoys at present; and

(b) whether the other two Refineries, *viz.* Standard Vacuum and Caltex have also followed suit?

The Minister of Production (Shri K. C. Reddy): (a) Yes.

(b) Not yet.

Shri Bansal: May I know if the attention of the Minister has been invited to the statement made by the Prime Minister that it is highly fantastic that in India the Mexican 15 gulf prices should be charged and, if so, whether the Government have examined the cost structure of these companies to find out if there is a case for the reduction of the selling price of their products?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): That matter has been under consideration in connection with a much larger question; you cannot separate these things. But Government is very much concerned about these matters.

Shri Bansal: May I know what have been the gross profits of this Burmah Shell Refining Company during the last two years?

Shri K. C. Reddy: The Balance Sheets and Profits and Loss Accounts of the Company for a period of one year have already been placed on the Table of the House.

Shri Bansal: My question was: what have been the gross profits—I am not concerned with the Balance Sheet—but the gross profits of the company during the last two years?

Shri K. C. Reddy: If the hon. Member takes some pains to make a careful study of the Profit and Loss Accounts which are available to him if he so desires, he can work out the gross profits.

Shri Gidwani: May I know whether it is proposed to give the benefit of this reduction to the consumers?

Shri K. C. Reddy: I do not think it is a question of passing on the benefit to the consumer. What was happening was that a lower excise duty was being levied on the oil manufactured by this refinery. Now, the price will be the same for the consumer, but what the Central exchequer was losing can be made good by levying this difference of two annas duty.

Shri Bishwa Nath Roy: May I know the amount of saving surrendered by the company?

Shri K. C. Reddy: On a roughcalculation the amount will be approximately Rs. 2 crores per year.

Shri A. M. Thomas: In view of the fact that the terms of the agreement were rather unfavourable to us and we had no other go but to enter into those agreements, may I know whether Government is taking up the matter of revision of the terms with those companies.

Shri K. C. Reddy: I do not think it is quite appropriate to refer to an agreement which was entered into some years ago on the then existing conditions. I do not propose to go into that aspect of the question. But if it is necessary to revise any agreement with any party, the matter will always be reviewed by the Government.

Shri Jaipal Singh: In view of the fact that the basic price of petroleum products is fixed globally in the Gulf of Mexico as it were, may I know what steps Government propose to take to detach India from this link?

Shri Jawaharlal Nehru: It is a rather complicated question in connection with so many matters. Once we can produce enough oil here, we can do anything we like. At the moment we have to get it from abroad. We are not entirely free agents. Of course we can try, and we are trying.

Shri Sadhan Gupta: May I know whether any estimate has been made of the loss to the Central exchequer due to these concessions that are still being enjoyed by the two other companies, Standard Vaccuum and Caltex?

Shri K. C. Reddy: Yes, Sir, we have an idea of the amount involved in this matter, and we are in touch with the two other refinery companies as to what should be done about it.

Shri Sadhan Gupta: What is the amount, approximately?

Shri K. C. Reddy: I cannot give a figure straightway. If the hon. Member puts a separate question I shall try to answer it.

Shri Matthen: May I know how the price of petroleum products, especially of petrol, in Australia compares with that in India?

Shri K. C. Reddy: I would like to have notice of that question.

Coal Mines Provident Fund Scheme

*2. **Shri Chattopadhyaya:** Will the Minister of **Labour** be pleased to state:

(a) whether any decision has since been taken with regard to computing the length of service of coal-miners for purposes of liberalising the provisions of Coal Mines Provident Fund Scheme, 1948, in favour of employees in the matter of forfeiture of employers' contribution; and

(b) if so, the date from which this will be brought into operation?

The Deputy Minister of Labour (Shri Abid Ali): (a) and (b). The matter is under consideration in consultation with the interests concerned.

Shri Chattopadhyaya: May I know under what conditions the employers are allowed to forfeit their share of the contribution?

Shri Abid Ali: The funds are administered by the Trustees.

Shri Nambiar: May I know what undue delay is caused in consulting the interests concerned, where the interes concerned here are the employees and employers?

Shri Abid Ali: There is no delay. After the suggestion was received this scheme has already been substantially liberalised in favour of the workers. The particular suggestion, which is the subject matter of this question, was received only in August last.

Wage Boards

*3. **Shri Bhagwat Jha Azad:**
Shri T. B. Vittal Rao:
Shri D. C. Sharma:
Dr. Ram Subhag Singh:

Will the Minister of **Labour** be pleased to state:

(a) the progress made to the end of October, 1956, in the mattter of collection of data for various industries with a view to ultimately set up wage Board; and

(b) whether it is possible to finalize the collection of date by the end of 31st March, 1957?

The Deputy Minister of Labour (Shri Abid Ali): (a) and (b). It is proposed to set up Wage Boards in some industries shortly. The Boards will utilise available statistical data and arrangements will also made for collecting any further data that may be requried.

Shri Bhagwat Jha Azad: My question was what progress has been made in collecting the data in the various industries. I would like to know the progress.

Shri Abid Ali: We have appointed a group of officials to study, and they have held two meetings, and substantial data has been collected.

Shri Bhagwat Jha Azad: Is there any likelihood of setting up the Wage Board by the end of this year?

Shri Abid Ali: Yes, the Boards may be appointed by the end of this year.

Shri Bhagwat Jha Azad: I want to know whether there is a likelihood of setting up the Wage Board by the end of this year.

The Minister of Labour (Shri Khandubhai Desai): It is likely that it may be appointed very soon, and steps will be taken to expedite the appointment of the Board as soon as possible.

Shri D. C. Sharma: May I know how many industries there are for which Wage Boards are to be formulated and are still under consideration, and how many for which Wage Boards have been set up so far?

Shri Khandubhai Desai: I am not in a position to say definitely how many industries are finally decided, but it is under consideration, and I hope five or six Wage Boards will be appointed which will cover two-thirds of the workers in all factories.

Dr. Ram Subhag Singh: May I know where the headquarters of these Wage Boards will be located and how many workers are likely to be covered by them?

Shri Khandubhai Desai: As I have already stated, nearly two-third of the wokers will be covered by the Wage Boards contemplated to be established. And the headquaters of the Boards will be located atthe places most convenient to the industries and the workers.

Shrimati Renu Chakravartty: May I know if the steel industry will be one of the industries in which Wage Board will be set up?

Shri Khandubhai Desai: Along with other industries it is also one of the industries under consideration.

French Possessions in India

†

*4. { **Shri Bhagwat Jha Azad:**
Shri Krishnacharya Joshi:
Shri D. C. Sharma:

Will the **Prime Minister** be pleased to state:

(a) whether the French Government have indicated any time schedule for the ratification of the Treaty of Cession of the French settlements in India; and

(b) if so, what the time schedule is?

The Deputy Minister of External Affairs (Shri Anil K. Chahda): (a) and (b). The French Government have not indicated any time schedule for the ratification of the Treaty of Cession of the French Establishments of Pondicherry Karikal, Mahe and Yanam. We have however been informed that the question of ratification is at present being considered by them.

Shri Bhagawat Jha Azad: Have they indicated as to what are the reasons for this inordinate delay in this matter?

The Prime Minister and Minister of External Affairs (Shri Jawahar Lal Nehru): No, Sir. The reasons are well known to everybody who is acquainted with the recent developments.

Shri Krishnacharya Joshi: May I know whether a copy of the same will be laid on the Table of the House after ratification?

Shri Jawaharlal Nehru: Of Course, yes, Sir. After ratification it will be laid on the Table of the House.

Shri D. C. Sharma: May I know if the lack of *de jure* ratification of this treaty places any difficulties in the way of administering the French possessions in India?

Shri Jawaharlal Nehru: There is no difficulty in regard to administration, but there is an obvious difficulty in giving a final shape to things. But the day-to-day administration is carried on without any difficulty.

Shri B. S. Murthy: May I know whether the recent events in Western Asia will retard the matter in coming to a final arrangement at an early date?

Shri Jawaharlal Nehru: No events anywhere need come in the way except in so far as the French Government is too preoccupied with other events.

Shri Kamath: Is it a fact that owing to this sort of vacuum in the former French possessions it has not been possible to bring the laws prevailing in those possessions in line with the laws of the Indian Union?

Shri Jawaharlal Nehru: Well, Sir, it is not proposed to bring them wholly in line; in fact, we have given an assurance that a number of their laws will continue—the system and laws they are used to for 150 years—and we do not want to change them suddenly. It is for them to want from time to time what changes should be made. Some changes, of course, have been made and will be made.

Dr. Lanka Sundaram: May I know the nature and extent of the jurisdiction of the French Embassy in India over the French Settlements, the purpose for which the French Ambassador has recently made a visit to Pondicherry and other places, whether the Government of India were notified as to the actual purpose for which the visit was made?

Shri Jawaharlal Nehru: The French Embassy or the French Government have no jurisdiction of any kind there. They are interested in certain cultural establishments there which, by agreement with the Government of India, have been continued and expanded, and the French Ambassador sometimes goes there to see the working of the cultural establishments, one or two of which are actually financed by the French Government.

Cloth Production

†

*5. **Shri Sadhan Gupta:**
Shri Gidwani:
Pandit D. N. Tiwary:
Shrimati Tarkeshwari Sinha:

Will the Minister of **Commerce and Consumer Industries** be pleased to state:

(a) whether it is proposed to revise the policy of cloth production by allocating a higher quota to the mills than at present allocated; and

(b) if so, the amount of increase in such quota?

The Minister of Consumer Industries (Shri Kanungo): (a) and (b). The supply and demand position of cloth is of course under constant review but whether an increase in the quota allotted to the mills will have to be resorted to or not, I am not in a position to say.

Shri Sadhan Gupta: Is the Minister aware of a Press report which appeared some time back, on the 19th September, to the effect that an upward revision of the mill quota was contemplated and whether there is any correctness in that report?

Shri Kanungo: There have been several Press statements of varying types and and I do not know if any of them are correct because they cannot be.

Shri Gidwani: May I know whether the policy will not affect adversely the production of khadi and handloom cloth in the country.

Shri Kanungo: Not at all.

Shri Heda: Are Government aware that though the stock of cloth is adequate yet prices are not coming down. If so, how do they explain the position?

Shri Kanungo: The assumptions in the question are not correct.

Shri Sadhan Gupta: On a point of privilege, Sir. I am asking questions germane to his Department. He can say either it is correct or it is not correct. I do not understand the answer that he cannot say. We are entitled to have an answer that we should have from the Minister when we ask a question.

Shri Kanungo: I cannot say simply for the reason that there is no decision regarding a revision of policy which is under constant review.

Shri M. S. Gurupadaswamy: May I know whether it is a fact that recently the Finance Minister announced that rebate would be given for increased production of cloth, and after some time that announcement was contradicted by him that no rebate would be given for increased production. May I know what is the truth?

Shri Kanungo: I do not think there is any contradiction as the hon. Member assumes.

Pandit D. N. Tiwary: In view of the fact that the consumption of cloth has gone may I know whether the new demand is to be met by establishing new spindles for spinning and weaving or is it to be met by the hand-loom industry?

Shri Kanungo: These are the factors which are under review.

Shri T. N. Singh: The hon. Minister stated earlier in reply to a supplementary that there has been no rise of price of textiles, whereas according to the statement made by the Minister during the excise duty debate it was brought out that there have been considerable rises in prices in relation to the actual cost. What is the position today?

Shri Kanungo: I did not say anything about price at all.

Indo-Pakistan Boundaries

†

*6. **Shri Gidwani:**
Shri Bahadur Singh:
Shri Ram Krishan:
Dr. Ram Subhag Singh:

Will the **Prime Minister** be pleased to state:

(a) whether the work of demarcation of Punjab boundaries on the Indo-Pakistan Border on the basis of Radcliff Award has been started; .

(b) when will it be completed; and

(c) what will it cost?

The Deputy Minister of External Affairs (Shri Anil K. Chanda): (a) Yes, Sir. Preliminary Survey operations started on 1st October, 1956.

(b) As demarcation is a complicated process, it is not possible to give a precise date about its completion. A rough estimate would be 1½ years.

(c) The preliminary estimate of expenditure is Rs. 8,35,000

Shri Gidwani: Who will contribute—both the Governments or only our Government?

Shri Anil K. Chanda: This refers to the cost to our Government.

Shri Tek Chand: What procedure and substantive steps are proposed to be adopted in the event of a diffierence of opinion on the demarcation or interpretation of the Award?

Shri Anil K. Chanda: The arrangement is this that in the case of any disagreement with regard to disputed territories, at first solution will be attempted at the governmental level, failing which at the ministerial level, and if necessary, it may be put up to a neutral party for arbitration.

Sardar Iqbal Singh: May I know whether any agreement has been reached in regard to the demarcation of these boundaries—Sulaiman Headworks and Ferozepore Headworks?

Shri Anil K. Chanda: It is contemplated to take up the demarcation of the entire boundaries between our Punjab and Pakistan.

Sardar Iqbal Singh: May I know the basis on which the Government of India will consider the demarcation of the boundary where there is a difference between the Revenue Award and the Radcliff Award?

Shri Anil K. Chanda: The demarcation between Indian Punjab and Pakistan Punjab is to be on the basis of the Radcliff Award.

गांधी समाधि

*७. { **श्री नवल प्रभाकर :**
श्री डी० चं० शर्मा :

क्या निर्माण, आवास और संभरण मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या गांधी समाधि का माडल सरकार ने स्वीकार कर लिया है; और

(ख) यदि हां, तो माडल के अनुसार निर्माण-कार्य कब तक आरम्भ हो सकेगा ?

निर्माण, आवास और संभरण मंत्री (सरदार स्वर्ण सिंह) : (क) जी, नहीं ।

(ख) सवाल उठता ही नहीं ।

श्री नवल प्रभाकर : क्या मैं जान सकता हूं कि कुछ दिनों पूर्व इस सम्बन्ध में जो माडल पत्रों में प्रकाशित हुए थे, उन का क्या हुआ ?

सरदार स्वर्ण सिंह : यह तो आप बहुत पुरानी बात करते हैं । बहुत काफी समय हो गया जब एक दफा मौडेल बनाये गये थे, लेकिन वह आम तौर पर पसन्द नहीं किये गये । इसलिये दुबारा कम्पिटीशन किया गया है ।

Shri D. C. Sharma: In view of the fact that the hon. Minister does not take into account the old historical thing, may I know what the present position is with regard to the construction of the Samadhi and why it has taken so log. before it has been constructed ?

Sardar Swaran Singh : There has been a very great difference of opinion as to what from the Samadhi should take. As to whether it should take any concrete form at all, if I may so, the opinion is veering round to this, namely, that with minor alterations the thing may be left as it is, without any major monument being put up there, In the layout for surrounding buildings a museum may be added, but I cannot make any firm commitment because we have invited certain designs; we will examine them, and if any one of those is suitable we might adopt the same.

श्री नवल प्रभाकर : क्या मैं जान सकता हूं कि इस की व्यवस्था के लिये कोई समिति बनाई गई है, और यदि हां, तो इस में कितने शासकीय और कितने अशासकीय, यानी कितने आफिशल और कितने नान आफिशल व्यक्ति हैं ?

सरदार स्वर्ण सिंह : मैं समझ नहीं पाया कि किस बात के लिये समिति बनाई गई है ।

कुछ माननीय सदस्य : डिजाइन के लिये ।

सरदार स्वर्ण सिंह : डिजाइन की जांच के लिये तो एक एक्सपर्ट कमेटी है, जिस में आर्किटेक्ट्स भी हैं, इंस्टीट्यूट आफ आर्किटेक्ट्स का भी नुमाइन्दा है और इंजीनियर भी हैं ।

Sanskrit Programmes in A.I.R.

***8. Shri Krishnacharya Joshi:** Will the Minister of **Information and Broadcasting** be pleased to state:

(a) the total number of Sanskrit programmes presented during 1956 by A.I.R so far;

(b) whether there is a demand of Sanskrit recordings in foreign countries; and

(c) if so, the total number of recording supplied in 1955-56?

The Minister of Legal Affairs (Shri Pataskar): (a) 369 programmes, from January to June, 1956.

(b) Yes, Sir; mostly from Universities.

(c) A tape-recording containing Vedic texts was supplied to the Hebrew University, Jerusalem. Recordings have been made of recitations of Vedic and other texts and standardised versions are being prepared for supply to other Universities.

Shri Krishnacharya Joshi: May I know whether these programmes are appreciated by the public and if so whether the Government will increase the number of programmes?

Shri Pataskar: So far as I know, they are not circulated but they are broadcast.

Shri Krishnacharya Joshi: May I know whether the Government has received any complaint that the language used is difficult and that the pronunciations are not correct and if so, whether the Government will look into the matter?

Shri Pataskar: I think there are no such complaints.

Shri Dabhi: May I have some idea of these programmes?

Shri Pataskar: I will give him some idea. The programme is broadcast in the following form:

(i) recitations from scriptural texts, for instance, slokas;

(ii) recitations of slokas with commentaries in regional languages;

(iii) plays in sanskrit;

(iv) plays translated from sanskrit, with commentaries in regional languages;

(v) talks in regional languages with quotations from sanskrit texts.

Ram Charkha

*9. { **Shri Hem Raj:**
Shri D. C. Sharma:

Will the Minister of **Production** be pleased to state:

(a) whether it is a fact that a two spindle charkha known as "Ram Charkha" has been invented by a person hailing from Poona; and

(b) if so, its efficiency as compared with that of Ambar Charkha?

The Parliamentary Secretary to the Minister of Production (Shri R. G. Dubey): (a) Yes Sir; a two spindle charkha known as Ram Charkha has been invented by one Shri S. R. Sathe of Poona.

(b) No test to assess its efficiency has so far been made.

Shri Hem Raj: May I know whether any experiment on this charkha will also be made in order to see whether this is more efficient and economical than the ambar charkha?

Shri R. G. Dubey: When the members of the Ambar Charkha Committee visited Bombay, Shri Sathe gave a demonstration but they found that there was not sufficient data to subject this charkha to a more complete and scientific examination.

Shri N. R. Muniswamy: May I know whether this Ram Charkha is an improvement on the ambar charkha or whether it is distinctly different from the ambar charkha?

Shri R. G. Dubey: From the information available with the Government, it is felt that ambar charkha is by far the best that has been designed. The Ram Charkha is different from the ambar charkha.

Shrimati Maydeo: How long back was it invented? Was it there at the time of the Bombay State Village Industries Exhibition which was held in Poona?

Shri R. G. Dubey: I could not say when it was invented but the first time this charkha was brought before the Ambar Charkha Committee was in April this year.

Shri Chattopadhyaya: May I know whether the revolutions of this ambar charkha are evolutionary or revolutionary?

An Hon. Member: They are both.

Nuclear Test

*10. { **Shri Bibhuti Mishra:**
Shri Ram Krishan:

Will the **Prime Minister** be pleased to state:

(a) whether the attention of Government has been drawn to the recent statement of the Japanese Meteorological Board spokesman that recent heavy rains are the result of Nuclear tests; and

(b) if so, whether Government have made any enquiry into the matter?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) and (b). Attention of the Honourable Member is invited to the reply given to Starred Question No. 375 in the Lok Sabha on the 27th of July, 1956. No definite conclusions have so far been reached regarding the effect of nuclear explosions on weather.

श्री विभूति मिश्र : क्या सरकार ने जापानी बोर्ड की तरफ से जो कि इस के सम्बन्ध में रिपोर्ट प्रकाशित की गई है, उस के बारे में

और जानकारी प्राप्त करने के लिये कोई पत्र व्यवहार किया है और यह जानने का प्रयत्न किया है कि यह वर्षा जो हुई है, क्या यह केवल न्युक्लियर टैक्स्ट्स की वजह से ही हुई है ?

श्री जवाहरलाल नेहरू : जापान में जो बयान निकला है वह यह नहीं निकला कि वर्षा ज्यादा हुई है इस की वजह से। बल्कि बयान यह निकला है कि जो वर्षा हुई उस में रेडियो एक्टिव एलिमेंट्स थे। वह दूसरी चीज है वहां पर ये ज्यादा पाये गये। कहीं पर कम भी हो सकते हैं और कहीं पर ज्यादा भी। शायद आप यह भी जानते हैं कि गवर्नमेंट आफ इंडिया की तरफ से एक किताब भी निकली है जिस का नाम है "न्युक्लियर एक्सप्लोजंस एंड देयर इफैक्टस" जिस में पिछले दो तीन महीनों में जो कुछ हुआ है दुनिया में, उस की चर्चा है ।

Shri Kamath: Has the attention of the Prime Minister been drawn to a recent Press report to the effect that in Ahmedabad, recently, after very heavy rain, masses of fish were found dead—thousands of them in large masses—in some tanks or lakes in that city, and subsequently they were sent to the Bombay laboratory for investigation? If so, what has been the result of this investigation?

Shri Jawaharlal Nehru: I am sorry I am ignorant of this disaster.

Shri Kamath: Shri Morarji Desai is here and he may enlighten us.

Shri Joachim Alva: Has the Government received any data from the Japanese Meteorological Board in regard to the experiments that are carried out around the Japanese waters?

Shri Jawaharlal Nehru: I do not quite know what the hon. Member means. Our scientists are in touch with scientists of other countries. Government as such does not receive data from the other Governments. This is a scientific matter in which there is a great deal of co-operation between the scientists of different countries.

श्रीमती कमलेन्दुमति शाह : क्या मैं जान सकती हूं कि रेडियो एक्टिव धूल बम्बई कलकत्ता और लखनऊ तक में पाई गई है ?

श्री जवाहर लाल नेहरू : ऐसे सवालों का जवाब देने में मुझे जरा दिक्कत हो जाती है क्योंकि जो माननीय सदस्य सवाल करते हैं वे इस मसले को बिल्कुल समझे नहीं हैं। वे कुछ लफ्जों को पकड़ लेते हैं जो बार बार दोहराये जाते हैं। रेडियो एक्टिविटी बारिश तो कभी भी थोड़ी सी हो सकती है, यह बहुत सी बातों पर मुनहसर करता है। सवाल यह है कि कितनी बढ़ती है, कितनी घटती है। कभी ज्याादा बढ़ी हुई पाई गई है, दिल्ली में भी पाई जा सकती है और कहीं भी पाई जा सकती है। सवाल यह है कि बढ़ती कितनी है। कभी कभी बढ़ती हुई पाई गई है ।

Madras Dock Labour Board

*12. **Shri Nambiar**: Will the Minister of **Labour** be pleased to state:

(a) whether the personnel of the Madras Dock Labour Board have been announced after the usual three year period.

(b) if not, the reasons therefor;

(c) the number of members of the Madras Harbour Worker's Union included in the Board; and

(d) the principles followed in granting representations to the labour in constituting the Board?

The Deputy Minister of Labour (Shri Abid Ali): (a) The personnel of the Madras Dock Labour Board was announced on the 23rd October, 1956.

(b) The term of the previous Board expired on the 13th July, 1956, but it was allowed to continue for a short period as a new Board was to be constituted under the Madras Dock Workers (Regulation of Employment) Scheme which was under revision. The revised Scheme was published on the 23rd October, 1956 and from the same date the new Board was also set up.

(c) Two.

(d) Representation is given to labour on the basis of the principle laid down in clause 4(5) of the Scheme.

Shri Nambiar: May I know the membership of the two different union which are represented on the Board and their representative character?

Shri Abid Ali: I want notice.

Educational Institutions for Displaced Students

***13. Shri D. C. Sharma :** Will the Minister of **Rehabilitation** be pleased to state:

(a) the amount spent on establishing educational institutions for displaced students from East Pakistan up-to-dat ; and.

(b) the way in which it has been spent.

The Minister in the Ministry of Communications (Shri Raj Bahadur) (a) A sum of Rs. 190·19 lakhs has been sanctioned upto 10th November, 1956 for establishing educational institutions for displaced persons from East Pakistan. The details of actual expenditure against this amount are being collected from the State Government concened.

In addition Rs. 88·58 lakhs have been given to the existing educational institutions to provide additional accomodation etc. for displaced students.

(b) Primary Schools Rs. 28·19 lakhs.

Secondary Schools	Rs. 14·19 lakhs
Colleges	Rs. 147·81 lakhs
Total .	Rs. 190·19 lakhs

Shri D. C. Sharma : May I know how much of this money has been allocated for vocational training of refugee students and how much for their technical training?

Shri Raj Bahadur : I have pointed out that the amount has been allocated to primary schools, secondary schools and degree colleges. I am not in a position to say which of these are basic training schools.

Shri D. C. Sharma : May I know whether any scheme for the vocational training of these students exists in those colonies where these refugees have been settled?

Shri Raj Bahadur : I think such schemes must have been taken into consideration.

Shri N. B. Chowdhury : May I know whether the establishment of new colleges under the dispersal scheme is included in the list of educations for displaced persons and, if so, what is the expenditure on that ?

Shri Raj Bahadur : I have already pointed out that the whole allotment has been divided into two categories : firstly for the establishment of new educational institutions which includes the establishment of degree colleges as also intermediate colleges, and secondly, for extension of accommodation in the existing institutions.

Shrimati Renu Chakravartty : Uptil now the educational institutions in the squatters' colonies were not recognised by Government. May I know how many institutions in those squatters' colonies, which are going to be regularised, have been given grants-in-aid or taken over directly by the Government?

Shri Raj Bahadur : I have not got separate figures or the break-up pertaining to these squatters' colonies as such.

Strike in Raniganj Colliery

*14. **Dr. Ram Subhag Singh :**
Shri P. C. Bose :
Shri Kajrolkar :

Will the Minister of **Labour** be pleased to state :

(a) the causes which led to the coal-miners' strikes in Raniganj coal fileds;

(b) how long did that strike continue;

(c) to what extent did the production of coal suffer due to that strike; and

(d) the estimated amount of money which the miners lost in wages?

The Deputy Minister of Labour (Shri Abid Ali) : (a) Immediately after the All India Industrial Tribunal (Colliery Disputes) gave its award, Government initiated action for its proper implementation. While the tripartite negotiations for implementation were in progress and certain appeals concerning the award were also pending, a section of colliery workers went on strike on issues which were already covered by the award.

(b) For 28 days;

(c) Approximately 3 1/2 lakhs of tons.

(d) Approximately 25 lakhs of rupees.

Dr. Ram Subhag Singh : May I know whether the Government contemplate taking any precautionary step to avoid dislocation of coal supply because of such strikes in future ?

Shri Abid Ali : We do not expect any such strikes to be repeated in the near future.

Shri P. C. Bose : May I know whether the strike has been definitely declared to be illegal ?

Shri Abid Ali : I do not think anybody declared that the strike was illegal, but it was illegal.

Shri Nambiar: May I know whether it was due to the dissatisfaction of the workers on the Tribunal's Award ?

The Minister of Labour (Shri Khandubhai Desai): The question of the Award does not arise because the workers have preferred an appeal in the Appellate Court which, I understand, is hearing the appeal, and any anomaly in a big question of this sort, which may have arisen, was before the informal committee for negotiations. In the meanwhile a section of the workers was instigated to go on strike which, I am glad, has now been called off unconditionally.

Shri Kajrolkar: May I know whether any workers have been victimised as a result of this strike and, if so, the number of such victimised workers?

Shri Abid Ali: A complaint has been received that a few workers, who were responsible for violence, have been charge sheeted. The bulk of the workers were taken back.

Shri Ramananda Das: May I know whether there has been any settlement over the dispute and, if so, the nature of the settlement ?

Shri Abid Ali: There was no settlement ; the strike was called of unconditionally.

Export Production Councils

*16. **Shri Dhulekar**: Will the Minister of **Commerce and Consumer Industries** be pleased to state:

(a) whether the delegations sponsored by the various Export Promotion Councils negotiated any commercial transactions during the years 1954 and 1955; and

(b) if so, in what items and the value thereof?

The Minister of Trade (Shri Karmarkar): (a) No, Sir.

(b) Does not arise.

Shri Dhulekar: May I know whether any other delegations were sent to countries for negotiating these transactions?

Shri Karmarkar: I hope my hon. friend reads his question. He has asked whether the delegations sponsored by the various Export Promotion Councils negotiated any commercial transactions. Anyway I will give the information that some delegations were sent. For instance, five delegations were sent on behalf of the Export Promotion Councils for cotton textiles, tobacco, cashew, pepper and silk and Artsilk before 1956. They did not enter into any transactions. To add to my earlier reply I may say that during 1956 two delegations registered orders for tobacco and bidis, and also cashew and pepper.

Shri Dhulekar: Did these delegations supply any information to the various companies in India ?

Shri Karmarkar: They got all the relevant information and they supplied the information to parties in the countries where they went.

Shri Velayudhan: May I know whether the Export Promotion Corporation has transacted any business till now with any foreign country ?

Shri Karmarkar: There is no Corporation known as the Export Promotion Corporation.

Shri Velayudhan: It forms part of this.

Shri Matthen: May I know whether there is any Export Promotion Council for cashew-nuts; if not, will the Government consider setting up one because cashew is a dollar earning commodity ?

Shri Karmarkar: It is already there. In fact, I said, a delegation had gone on behalf of that.

Shri V. P. Nayar: The hon. Minister said that a delegation went on behalf of the Cashew and Pepper Export Promotion Council. I would like to know whether on account of the work done by this delegation there is any change of a regular supply of cashew-nuts to countries which do not take cashew-nut at present?

Shri Karmarkar: The prospect for cashew has been encouraging. France has been taking more cashew-nuts from us and we have all the hope that other countries also would take cashew from us.

दियासलाई उद्योग

*१७. **श्री भक्त दर्शन**: क्या उत्पादन मंत्री २४ जुलाई १९५६ के तारांकित प्रश्न संख्या २०३ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि अखिल भारतीय खादी और ग्रामोद्योग के निश्चय के अनुसार दियासलाई-निर्माण के जो २०० कुटीर उद्योग केन्द्र खोलने का विचार था उन्हें स्थाति करने की दिशा में इस बीच क्या प्रगति हुई है ।

उत्पादन मंत्री के सभा सचिव (श्री रा० गि० दुबे): अभी तक अखिल भारतीय खादी व ग्रामोद्योग बोर्ड ने कुटीर दियासिलाई के ९७ कारखाने स्थापित करने के लिये आर्थिक सहायता रखी है ।

श्री भक्त दर्शन : क्या मैं जान सकता हूं कि इस सम्बन्ध में स्थान छांटने के लिये किन किन शर्तों का ध्यान रखा जायेगा ।

श्री रा० गि० दुबे : इस बारे में स्टेट सरकारों के साथ सलाह-मशिवरा किया जायगा इतना कहा जा सकता है कि जहां पर रा मैटीरियल वगैरह की फैसिलिटीज ज्यादा होंगी, वहीं इन सैन्टर्ज को खोला जायेगा ।

श्री भक्त दर्शन : इन २०० केन्द्रों को खोलने के बारे में क्या उत्तर प्रदेश और अन्य विभिन्न राज्यों का कोटा निश्चित कर दिया गया है ?

श्री रा० गि० दुबे : इस तरह का कोई कोटा निश्चित नहीं हुआ है ।

Shri S. C. Deb : May I know whether there is any policy regarding the manufacture of matches on a cottage industry basis ?

Shri R. G. Dubey : That is what we are discussing.

Mr. Speaker : That is the question.

Shri Dabhi : May I know the number of persons likely to get employment when all these centres are established ?

Shri R. G. Dubey : I cannot say the number of persons likely to get employment, but I can give some idea to the hon. Member. In the year 1955-56 the number of gross matches produced was 2500 and the number of people employed on a part-time basis was 964. Up to now in the current year the number of full-time workers is 1536 whereas 590 are part-time workers. On this basis we can have some knowledge of the men who will be employed.

The Minister of Production (Shri K. C. Reddy) : I would like to add that each centre of this type is likely to employ about 40 to 50 people.

Shrimati Maydeo : What is the actual wage paid to these workers ; not the experts who apply chemicals etc. but the other unskilled workers ?

Shri R. G. Dubey : I would require a separate notice to answer that question.

Shri B. S. Murthy : How are quotas given to different States ? Is it on the number of applications received at the Centre or the facilities available in each State ?

Shri R. G. Dubey : As and when a demand comes we are prepared to grant full assistance to all the States, but that depends upon the local administrative apparatus, the financial conditions of the State, availability of raw materials and other matters. It is up to the State Government to take up the matter primarily and the Centre is always willing to give assistance.

Nuclear Tests

***18. Shri C. R. Narasimhan** : Will the **Prime Minister** be pleased to state how many nuclear and thermonuclear test explosions have been recorded to have taken place in areas adjoining India since such recording arrangements were established in the country ?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru) : No test explosions have taken place in areas adjoining India. There are no instruments which instantaneously record nuclear and thermo-nuclear explosions as is the case with earthquakes. Radioactive fall-out from these test explosions is, however, being measured continuously in Bombay and in case of any test explosions being conducted in or near the Indian Ocean, we are adequately equipped to estimate quickly the radioactive fall-out.

Shri C. R. Narasimhan: In the case of atomic tests in the Indian Ocean area and in the case of the hydrogen tests elsewhere, are comparative data about the intensity of radio-activity and fall-out recorded, and, if so, what is the result ?

Shri Jawaharlal Nehru : Sometimes, the daily record of this fallout goes up; the figure goes up somewhat—up and down—and the only way we can judge as to what has happened is a sudden rise. From that we conclude that some kind of test explosion has taken place and very roughly the direction of it is found. The exact spot is very difficult to find out.

As I said the main observation point is Bombay. But there are a number of other places like Delhi, Nagpur, Calcutta, Banglore and Srinagar, where also those observations are being made.

Shri Kamath : What is the latest position with regard to the response of the U.S.A., the United Kingdom and the USSR to India's call for the abandonment or at least halting of these nuclear test explosions, and to the resolution moved on similar lines in the United Nations Assembly sometime ago ?

Shri Jawaharlal Nehru : So far as I can see, these test explosions have been continued by all these countries mentioned by the hon. Member. They have all expressed the hope that sometime or other they will stop it, but if one nation stops, the others will get an advantage.

वायदे के सौदे (विनियमन) अधिनियम

*१६. **श्री खू० चं० सोधिया** : क्या वाणिज्य और उपभोग-वस्तु उद्योग मंत्री २० जुलाई, १९५६ के तारांकित प्रश्न संख्या १५७ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) वायदे के सौदे (विनियमन) अधिनियम, १९५२ के अधीन गैर-कानूनी व्यापार करने वाले कितने व्यक्तियों को दण्ड दिया जा चुका है;

(ख) प्रत्येक मामले में कम से कम और अधिक से अधिक क्या दण्ड दिया गया; और

(ग) कितने मामले अभी चालू हैं ?

व्यापार मंत्री (श्री करमरकर) : (क) से (ग). जानकारी इकट्ठी की जा रही है और प्राप्त होने पर सदन की मेज पर रख दी जायेगी ।

श्री खू० चं० सोधिया : क्या सरकार को मालूम है कि गैर-कानूनी व्यापार करने वालों की संख्या दिन प्रति दिन बढ़ रही है और इस गैर-कानूनी व्यापार और चोर बाजारी को बंद करने के लिये सरकार कौन कौन उपाय कर रही है ?

श्री करमरकर : जी, हां। कुछ शिकायतें इस सम्बन्ध में आई थीं जैसे कि कलकत्ते से जूट के सम्बन्ध में आई थी, मध्य प्रदेश से बिनौले की बाबत आई थी और राजस्थान से और किसी दूसरी वस्तु के बारे में शिकायत आई थी। इस चोर बाजारी और गैर-कानूनी व्यापार को रोकने के लिये जो कुछ हो सकता है वह किया जाता है। कलकत्ते में अभी जांच चल रही है और उस के बारे में मैं अभी कुछ नहीं कह सकता । राजस्थान में कुछ केसेज इंस्टीट्यट किये गये थे लेकिन बाद में वे विदड्रा कर लिये गये और उन के बारे में भी हम जानकारी मंगा रहे हैं और वह काम हमारा चल रहा है । फार्वड मार्केट्स कमिशन ऐक्ट एक कम्पलीकेटेड चीज है और इसलिये हम ने साफ बता दिया है कि क्या लीगल होता है और क्या इल्लीगल होता है और मैं समझता हूं कि इस के बाद सारी व्यवस्था ठीक हो जायेगी

श्री खू० चं० सोधिया : क्या फार्वड माकट्स कमिशन के पास कोई इंस्पैकटेरेट है :

श्री करमरकर : जी हां, हम ने एक इंस्पैकटेरेट बनाई है ।

Shri Dhusiya : What special steps have been taken on the complaints received and may I also know if the Government have successfully tackled them ?

Shri Karmarkar : I am grateful to the hon. Member for putting that question. As soon as complaint is received from the Forward Markets Commission, we forward it to the State Government concerned. The matter is taken up by the State Governments. If there is a tenable case, the matter goes to the court, and if there is any illegality found, the person is convicted. If there is no illegality, the court acquits the person.

Shri Dhusiya : Up till now, how many State Governments have replied to the Central Government and how many cases have been tackled with success so far ?

Shri Karmarkar : I mentioned some cases. For instance, we had complaints from Bengal. The police are investigating into them. It was with reference to jute.

As I said earlier, we received, we complaints from Rajasthan where cases had been instituted, and later on they were withdrawn. We have enquired about them. We have received complaints about cotton seeds from Madhya Pradesh Government, and we received information from the Madhya Pradesh Government on those complaints that it is difficult to start further action on them, for want of written evidences.

Then, complaints were received from Punjab about gram and the matter is being looked into. As I said in my Hindi reply,

the purview of the Act is not quite clear. So we have warned all the organisations concerned, about the scope of the provisions of the Act. We do hope that after the clarification on all these points, it will be possible to prevent illegal dealings. If any illegal thing comes up, we shall take strong action so far as is possible.

Shri Heda: How much time, on an average, is required for investigating into a complaint and disposing of it?

Shri Karmarkar: It all depends upon the nature of the case, the time taken for the investigation, the cleverness of the culprit, etc. I would, however, like to emphasise that we are very serious about the enforcement of the Forward Markets Commission Act, because it is highly essential in the interests of the country itself that illegal speculation is stopped, and with the co-operation of very active Members like the hon. Member who put the question, we hope to succeed.

श्री खू० चं० सोंधिया : उस में कितने आदमी हैं ?

श्री करमरकर : उस के लिये नोटिस चाहिये। मुझे पता नहीं है कि कितने आदमी हैं ।

श्री धुलेकर : जब सरकार को यह मालूम है कि बड़े बड़े बाजारों में दिन भर सट्टेबाजी चलती है तो इतने कम मुकद्दमे क्यों चलाये जाते हैं और तहकीकात के लिए इतना ज्यादा टाइम क्यों लिया जाता है ?

श्री करमरकर : मैं समझता हूं कि माननीय सदस्य जानते होंगे कि यह फावर्ड मार्केट्स कमीशन ऐक्ट कितना कंप्लीकेटेड है और इस के ठीक से व्यवहार में आने के रास्ते में कितनी दिक्कतें हैं। उस के ठीक से चलने के लिये ताकि इस तरह की गड़बड़ी न हो और हम जल्दी काम कर सकें, और अधिक कोआपरेशन चाहिये, इत्तिला ठीक चाहिये क्योंकि यह फार्वर्ड मार्केट्स कमिशन ऐक्ट का मामला ही ऐसा है कि इस में आफेंडर्स बहुत अपने फन में माहिर हो गये हैं, तो भी हमें आशा है कि हमारा काम माननीय सदस्यों से इस विषय में सलाह और कोआपरेशन मिलने से काफी आसान हो जायेगा ।

R.M.S. Workers Strike in Delhi

+
*21. Shri Kamath:
Shri Kajrolkar:
Shri Bhagwat Jha Azad:

Will the Minister of **Communications** be pleased to state:

(a) whether it is a fact that the R.M.S. Staff in Delhi and New Delhi. struck work in the 3rd week of October, 1954;

(b) if so, the number of strikers;

(c) the reasons for the strike; and

(d) the present position with regard to the redress of their grievances?

The Minister in the Ministery of Communications (Shri Raj Bahadur): (a) Yes.

(b) 425 Sorters, 5 Mail Guards and 395 Class IV Officials.

(c) In protest against the transfer of 2 Sorters and one Class IV Official from the Paper Sorting Office to Delhi R.M.S.

(d) The reasons for the transfer are being examined.

Shri Kamath: When were the demands or the grievances of these workers first brought before the Ministry, and what action was taken before the strike actually took place?

Shri Raj Bahadur: As the hon. Member might be aware, this strike flared up all of a sudden. There were no demands put before the Ministry as such. They were brought to the notice of the Minister too only about the 20th of October when information about the strike was already with us. But the demands as such were not brought before the Minister earlier; they were brought by the Union representatives on the 20th.

Shri Kamath: I did not say "Minister". I said, "Ministry". Am I to understand that the demands and the grievances were not known to the Ministry at any time before the strike actually took place?

The Minister of Communications (Shri Jagjivan Ram): No. It did not come to the notice of the Ministry—not even to the notice of the Director-General of Posts and Telegraphs.

Shri Kamath: Was it a lightning strike?

Shri Jagjivan Ram: It was a lightning strike. Though there is the Director General of Posts and Telegraphs in Delhi—there is the Ministry and there is the

Displaced Persons from East Pakistan

†
*26. { **Shri Bhagwat Jha Azad:**
Shri D. C. Sharma:

Will the **Prime Minister** be pleased to state:

(a) whether there has been any increase in the influx of displaced persons from East Pakistan during the later half of September, October and the first half of November, 1956; and

(b) if so, the actual increase ?

The Deputy Minister of External Affairs (Shri Anil K. Chanda): (a) and (b). Figures of migration for the first half of November, 1956 have not yet been received from the local authorities. Information so far received, however, shows that there has been no increase in the volume of migration.

Shri Bhagwat Jha Azad : May I know whether the Government of India have asked the Pakistan Government to take such action as to make conditions tolerable for those persons to live in, so that at least there is no increase in the rate at which they are coming ?

Shri Anil K. Chanda : In the last conference between the Ministers of our two Governments, the East Bengal Government had undertaken to do their best to restore confidence in the minds of minorities. So far as the present Government is concerned, I believe they are doing their very best.

Shri Bhagwat Jha Azad : May I know whether as a result of that conference any action has been taken by the Government of Pakistan in this regard and if so, what it is ?

Shri Anil K. Chanda : A Hindu officer of the Pakistan Civil Service has been specially appointed to look after the interests of minorities and he has been continually going round the country trying to restore confidence wherever trouble is apprehended.

Shri D. C. Sharma : May I know if it is contemplated by the Government that the Minister in charge of minorities in India should tour the State in conjunction with the Minister in charge of minorities in Pakistan ?

Shri Anil K. Chanda : If there *is* a special reason or necessity for it, such a joint tour is undertaken.

Indo-Pak Conference

+
*27. { **Shri D. C. Sharma:**
Shri Ram Krishan :

Will the **Prime Minister** be pleased to refer to the reply given to Unstarred Question No. 1232 on the 1st September, 1956 and state the action taken on the decisions arrived at in the Indo-Pakistan Conference held in Karachi in July, 1956 ?

The Minister of Works, Housing and Supply (Sardar Swaran Singh) : The decisions taken at the Indo-Pakistan Conference on the 28th July, 1956, have been ratified by the Governments of both India and Pakistan. The Joint Fact Finding Commission have been asked to ascertain the extent of outstanding work of recovery and to submit their report as early as possible.

At the Indo-Pakistan Conference emphasis was laid on the need for associating the District Administration with recovery work and to make effective use of clues, from official and non-official sources, It was also decided that officials and non-officials who had done commendable work should be suitably rewarded. These suggestions are already being implemented in India, but steps are being taken to re-emphasise the same. Relatives and guides continue to be given full facilities to visit India for tracing abducted persons. Political organisations in India are also lending their support in this humanitarian work.

The Government of India are now taking steps to extend the Abducted Persons (Recovery and Restoration) Act for a further period of one year ending the 30th November, 1957.

Shri D. C. Sharma : May I know the composition of this Joint Fact Finding Commission, how many meetings of this Commission have been held so far and what decisions have been taken ?

Sardar Swaran Singh : The two high-powered officers representing the two Governments of India and Pakistan are the members of this Fact Finding Commission. They are being assisted by other administrative officers also. They have met from time to time, but I cannot give straightaway the number of times they have met.

Shri D. C. Sharma : May I know how many officers of the Indian Government have been rewarded for doing this humanitarian work and how many officers of the Pakistan Government have been rewarded for doing this very noble work ?

Sardar Swaran Singh : I would require notice for a detailed reply, but I remember one case. A lady social worker by name Shrimati Bagh Mehta was decorated by President's Award about two years ago.

Shri U. M. Trivedi : May I know whether any case has been brought to the notice of the Government where an abducted person recovered from Pakistan has been abducted again from Delhi and taken away?

Sardar Swaran Singh : It would facilitate my reply if the particulars are given. I could not say anything straightaway; if the particular case is mentioned, I am prepared to look into it.

Shrimati Renu Chakravartty : May I know how often the lady social workers have been called upon by the high-powered committee to give evidence before them or help them in their work of finalising the question as to whether they are to be recovered?

Sardar Swaran Singh : I think a number of social workers, both ladies and men, have given evidence before the Fact Finding Commission— not exactly before the Commission, but before the officers who had been appointed to prepare the material which was placed before the members of the Commission.

Foreign Sea Mails

*28. **Shri Gidwani** : Will the Minister of **Communications** be pleased to state:

(a) whether it is a fact that foreign sea mail to India had been delayed following the re-routing of some mail-carrying Liners around the Cape of Good Hope and their consequent inability to touch Indian Ports;

(b) whether it is a fact that cargo of Indian Mail will be un-loaded at Colombo Port;

(c) whether arrangements have been made with the Ceylon Government authorities to ensure that the sea mails are despatched to their destinations in India safely and without avoidable delay; and

(d) if so, what are those arrangements?

The Minister in the Ministry of Communications (Shri Raj Bahadur): (a) Yes, on one occasion.

(b) This may happen occasionally.

(c) Yes.

(d) Ceylon has an International obligation under the Universal Postal Convention to despatch transit mails promptly and securely along with its own mails to India.

Shri Gidwani : May I know if there are any further delays now or whether the mails are being delivered at the proper time?

Shri Raj Bahadur : As I said, certain mails which were despatched from foreign countries about September-October have been delayed. For example, the Steamship S.S. *Carthage.*, S. S. *Chusan* and S.S. *Strathmore* were diverted *via* the Cape of Good Hope. There have been occasional delays ranging from 9 to 22 days.

Shri Dhusiya : May I know whether the rate has been raised because of the change in the route?

Shri Raj Bahadur. No, Sir.

Shrimati Kamalendumati Shah : Would it not be better if the mails are brought by air than sea?

Shri Raj Bahadur : There are different classes of mail. If they are air mails, they are brought by air; if they are sea mails, they are brought by sea by ships.

National Council for Training in Vocational Trades

*30. **Dr. Ram Subhag Singh**:
Shri K. C. Sodhia:
Shri S. C. Samanta :

Will the Minister of **Labour** be pleased to state:

(a) whether Government have decided to set up a National Council for training in Vocational Trades; and

(b) if so, when the Council will be set up?

The Deputy Minister of Labour (Shri Abid Ali) : (a) Yes.

(b) It is expected to be set up before the end of the current year.

Dr. Ramsubhag Singh : May I know the composition and functions of this Council?

Shri Abid Ali : It will have about 50 members. The function will be to establish and award a national trade certificate, prescribe standards in respect of syllabus etc., lay down standards of efficiency, set up examining bodies, recognise training institutions for the award of certificates etc.

Shri S. C. Samanta : May I know who will hold the examinations, if the certificate is to be given by this Council, for different classes?

Shri Abid Ali : There is a prescribed procedure for it.

विशाखपटनम् की सूखी गोदी

***३२, श्री खू० चं० सोधिया :** क्या उत्पादन मंत्री १४ अगस्त, १९५६ के तारांकित प्रश्न संख्या १०८१ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) विशाखपटनम् सूखी गोदी के सम्बन्ध में एक अग्रिम प्रतिवेदन प्राप्त करने में हिन्दुस्तान शिपयार्ड कम्पनी को कुल कितनी राशि व्यय करनी पड़ी;

(ख) इस सूखी गोदी का निर्माण करने के लिये कौन से विशेषज्ञ फर्म को चुना गया है और उस को कितना मेहनताना देना निश्चय किया गया है; और

(ग) इस सूखी गोदी पर अनुमानतः कुल कितना खर्चा होगा और उस के कब तक तैयार हो जाने की आशा है ?

उत्पादन उप-मंत्री (श्री सतीश चन्द्र): (क) और (ख). ड्राय डाक योजना की रूपरेखा तैयार करने के लिये यू० के० के सर्वश्री रेंडल, पामर व ट्रिटन को कार्य सुपुर्द किया गया था और तय हुआ था कि उन्हें २,००० पौंड की फीस तथा उन के प्रतिनिधियों के कार्य सम्बन्धी दौरे का सफर तथा अन्य खर्च दिया जायगा। क्योंकि अब उन की बनाई हुई योजना स्वीकार कर ली गई है और उन्हीं का सलाहकार इंजीनियर नियुक्त किया गया है, इसलिये इस फर्म को अब ४० हजार पौंड की एक ही फीस दी जायेगी और योजना तैयार करने की कोई अलग-अलग फीस नहीं देनी पड़ेगी।

(ग) अनुमान है कि ड्राय डाक के निर्माण में २ करोड़ १५ लाख रुपये खर्च होंगे। इस के दिसम्बर, १९५९ तक तैयार हो जाने की आशा है।

श्री खू० चं० सोधिया : क्या मैं जान सकता हूं कि इन तीन आदमियों के अतिरिक्त किसी दूसरी फर्म को भी बुलाया गया था या नहीं, या उन्होंने स्वतः अपनी तरफ से इस के सम्बन्ध में कोई रिपोर्ट देने का आफर दिया था ?

श्री सतीश चन्द्र : इस की आयोजित रूपरेखा देने के लिये इन तीन कम्पनियों को कहा गया था। इन तीनों के कोटेशन्स आये, और उन को देख कर यह तय किया गया कि इस कम्पनी से रिपोर्ट मांगी जाये।

Mr. Speaker: The Question Hours is over.

WRITTEN ANSWERS TO QUESTIONS

Textile Exports

***11. Shri R. P. Garg:** Will the Minister of **Commerce and Consumer Industries** be pleased to state:

(a) the steps Government have taken or propose to take to step up textile exports to Asian and African countries;

(b) whether the decline in textile exports during 1955-56 was due to the fact that India could not meet her commitments for months together to the lack of its own shipping tonnage whereas Japan fulfilled its commitments immediately; and

(c) the special concessions that Indian textile imported by Great Britain enjoys there?

The Minister of Trade (Shri Karmarkar): (a) to (c). A statement is laid on the Table of the House. [*See* Appendix I, annexure No. 1].

National Coal Development Corporation

***15. Shri Nageshwar Prasad Sinha:**
Shri K. K. Basu:

Will the Minister of **Production** be pleased to state:

(a) whether the National Coal Development Corporation (Private) Limited has taken over charge of State Collieries in India;

(b) if so, from what date; and

(c) what changes, if any, will follow in service conditions of the employees and in other contractual works?

The Deputy Minister of Production (Shri Satish Chandra): (a) The State Collieries have been taken over by the National Coal Development Corporation (Private) Ltd., provisional, subject to the vote of Parliament to the transfer of the ownership and management of these collieries to the Corporation.

(b) On 1st October, 1956.

(c) The present intention is that the existing Officers and staff, both temporary and permanent, employed in the State Collieries will be taken over by the Corporation on their existing terms and conditions of service. The Corporation will however want to consider this question and the matter is under its consideration.

Khadi Emporium at Calcutta

*20. **Shri Bheeka Bhai**: Will the Minister of **Production** be pleased to state:

(a) whether the proposal for setting up an emporium for the sale of Khadi at Calcutta has materialised;

(b) if so, the details thereof; and

(c) the places where new emporia are to be set up during the Second Five Year Plan?

The Parliamentary Secretary to the Minister of Production (Shri R. G. Dubey): (a) Yes, Sir. The scheme is in the process of being implemented.

(b) Accommodation for the emporium has been secured in the premises of the Calcutta Insurance Company and efforts are being made to effect necessary additions and alterations to the premises and other preliminaries are under active consideration.

(c) The exact places where new emporia are to be started under the Second Plan have not yet been decided, but it is envisaged that each State will have an emporium in the State Capital or in any important town in the State.

Registration of Handlooms

*23. **Shri S. V. Ramaswamy**: Will the Minister of **Commerce and Consumer Industries** be pleased to state:

(a) how far the registration of Handlooms has progressed;

(b) whether there has been any opposition to such registration from any State and if so, how it has been overcome;

(c) whether any powerlooms have been introduced in any State since the announcement of the new Textile Policy and if so, their number Statewise; and

(d) when the registration of Handlooms is expected to be completed?

The Minister of Consumer Industries (Shri Kanungo): (a) 5,63,495 looms have been registered so far.

(b) Some parties but not State Governments had respresented that the registration would involve some hardship but, in a Press Note it was explained that this registration was only meant for statistical purposes, and thereafter there have been no representations.

(c) No powerlooms have so far been installed under the new scheme.

(d) Last date for receiving the applications for registration of handlooms is 30th November, 1956.

Navigator's Course

*25. **Shri T. B. Vittal Rao.** Will the Minister of **Communications** be pleased to refer to the reply given to Starred Question No. 1378 on the 24th August, 1956 and state:

(a) whether the Director-General of Civil Aviation has since submitted his proposals for starting a First Class Navigator's Course at the Civil Aviation Training Centre, Allahabad;

(b) if so, the decision arrived at; and

(c) when the course is likely to be started and the number of trainees that will be admitted?

The Minister in the Ministry of Communications (Shri Raj Bahadur): (a) Proposals for starting a First Class Navigator's Course at the Civil Aviation Training Centre, Allahabad have since been finalised by the Director-General of Civil Aviation who expects to submit these to Government very shortly.

(b) and (c). Do not arise.

Giridih Collieries

*31. **Shri Nageshwar Prasad Sinha**: Will the Minister of **Production** be pleased to state:

(a) whether Government have constituted the Expert Standing Committee to make periodical appraisal of progress in the production of coal from Giridih Collieries, as recommended by the Technical Committee; and

(b) if so, who are the members of the Committee?

The Deputy Minister of Production (Shri Satish Chandra): (a) Yes.

(b) 1. The Chief Mining Engineer State Collieries—Convenor.

2. The Additional Chief Mining Engineer, State Collieries.
3. The Chief Inspector of Mines in India.
4. The Superintendent of Collieries, Giridih.
5. The Controller of Coal Accounts, Calcutta.
6. The Regional Labour Commissioner (Central), Dhanbad.

Asoka Hotel

*33. **Shri Kamath :** Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) the expenditure so far incurred in connection with the construction, equipment, furniture and staff of Asoka Hotel;

(b) the names of those on the managerial staff together with their qualifications and previous experience;

(c) whether the Hotel was fully equipped and furnished before the commencement of the UNESCO Conference; and

(d) if not, the reasons for the delay?

The Parliamentary Secretary to the Minister of Works, Housing and Supply (Shri P. S. Naskar) : (a) Against Rs. 2·09 crores representing the cost of construction of buildings, equipment and furniture to date, Rs. 1·64 crores had been disbursed till 31st October, 1956. In addition, expenditure on staff and office equipment amounted to Rs. 2·37 lacs upto that date.

(b) A statement is laid on the Table of the House. [*See* Appendix I, annexure No. 2].

(c) 198 rooms earmarked for the delegates were ready before the commencement of the UNESCO Conference and the delegates have been staying there. The work of equipping the rest of the Hotel is expected to be completed shortly.

(d) Does not arise :

Handicraft Industries

*34. { **Sardar Iqbal Singh:**
Sardar Akarpuri:

Will the Minister of **Production** pleased to state :

(a) whether the All India Handicrafts Board has considered questions of general development and of specific schemes in particular handicraft industries during 1956;

(b) if so, what are the general development schemes that are going to be implemented; and

(c) whether State Governments are co-operating with the Board in these schemes?

The Parliamentary Secretary to the Minister of Production (Shri R. G. Dubey): (a) Yes, Sir.

(b) A statement showing the schemes for development of handicrafts sanctioned during 1956-57 is laid on the Table of the House. [*See* Appendix I, annexure No. 3].

(c) Yes, Sir.

Central Labour Institute, Bombay

*35. **Shri Chattopadhyaya:** Will the Minister of **Labour** be pleased to state the progress made so far as regards setting up of the Central Labour Institute, Bombay?

The Minister of Labour (Shri Khandubhai Desai): The Central Labour Institute building is expected to be ready by the middle of 1957. The Productivity and the Training Within Industry Centres and the Industrial Hygiene Laboratory which will form part of the Institute are already functioning, the first two in Bombay and the last one in New Delhi. These Sections also will be shifted to the Institute building as soon as it is ready. Much of the equipment and the literature required for the Institute have arrived.

Korba Coal Fields

*36. { **Shri T. B. Vittal Rao:**
Shri Krishnacharya Joshi:
Dr. Ram Subbhag Singh:

Will the Minster of **Production** be pleased to refer to the reply given to Unstarred Question No. 1754 on the 12th September, 1956 and state the progress made in the matter of mining of coal from Korba Coal Fields?

The Deputy Minister of Production (Shri Satish Chandra) : As result of the detailed drilling so far done it is possible to plan for opening of three open cast mines and one underground mine. Preliminary work on a pilot quarry has begun and is expected to go into production by the beginning of 1957. Work on the underground mine is also expected to be started very soon and according to present expectation, the incline working will touch coal by March-April, 1957. The work on the other two mines will also be taken in hand in a few months' time when the machinery indented for starts arriving.

Payment of Compensation

*37. **Shri D. C. Sharma:** Will the Minister of **Rehabilitation** be pleased to state:

(a) the number of persons who have been paid compensation so far this year out of the claimants from West Pakistan who applied for the same during the period from the 1st of August to the end of October, 1956; and

(b) the number of applications that are still pending?

The Minister in the Ministry of Communications (Shri Raj Bahadur): (a) and (b). The Minister for Rehabilitation had stated in this reply to Starred Question No. 1527 answered on the floor of the Sabha on the 28th August, 1956, that the last date for receiving applications for payment of compensation to displaced persons from West Pakistan was 26-9-1955. Only those cases in which delays were condoned were entertained after that date. The number of such cases entertained after condonation of delay during the period from 1-8-1956 to 30-9-1956 was 2185. The number of persons paid compensation out of those applications is not known. The total number of claimants from West Pakistan paid compensation during the period from 1st August, 1956 to 30th September, 1956 is 13,369. In addition, 3,864 claimants who were paid interim compensation have also been paid their final instalment during this period. Besides, in 1,376 cases certificates of admissibility of compensation have been issued and in 69 cases loans have been advanced against compensation. The total number of applications pending on 30-9-1956 is 3,31,728. Figures for October 1956 are not available as yet.

Damage by Recent Earthquake

*38. **Dr. Ram Subhag Singh:**
Pandit D. N. Tiwary:
Shri Naval Prabhakar:
Shri Kajrolkar:
Shri Kamath:
Shri M. Islamuddin:

Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) the numbers of collapsed and damaged Government buildings of Delhi and other areas of North India as a result of the earthquake of 10th October, 1956;

(b) the number of private houses which collapsed and were damaged;

(c) the number of persons and cattle which died in these house collapses; and

(d) whether the causes of the earthquake were investigated?

The Parliamentary Secretary to the Minister of Works, Housing and Supply (Shri P. S. Naskar): (a) No Government Building maintained by the Central P.W.D. in Delhi or in other areas of North India collapsed as a result of the earthquake of 10th October, 1956. Cracks were noticed in some of the buildings both residential and non-residential.

(b) and (c). The Information is not available.

(d) Investigations are being carried out, by Government.

Passports

1. **Shri Ram Krishan:** Will the **Prime Minister** be pleased to state:

(a) the total number of Indians who applied for passports to visit foreign countries during the current year so far;

(b) the number of such applications, country-wise; and

(c) the number of persons who actually got passports, country-wise?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) During the period from 1st January to 30th September, 1956, 41,154 persons applied for the grant of passport facilities.

(b) This information is not available as statistics of passport applications received are not maintained country-wise.

(c) 35,833 persons were granted passports during the period. Country-wise information is not available for the reason already stated.

Export of Films

3. **Shri Ram Krishan:** Will the Minister of **Information and Broadcasting** be pleased to state the total number of films exported to foreign countries during the current year so far, with their names, country-wise?

The Minister of Trade (Shri Karmarkar): Information is not available as statistics of exports of films are no separately recorded in the Accounts relating to the Foreign Trade and Navigation of India.

Shops and Emporia

4. **Shri Ram Krishan:** Will the Minister of **Commerce and Consumer Industries** be pleased to state:

(a) the number of shops or emporia opened in India by foreign countries; and

(b) the names of such foreign countries and the places in India where these shops or emporia have been opened?

The Minister of Trade (Shri Karmarkar):* (a) and (b). Information is being collected and will be laid on the Table of the House.

Refugees from West Pakistan

5. **Shri Ram Krishan:** Will the Minister of **Rehabilitatiion** be pleased to state the total number of refugees from West Pakistan who have been rehabilitated in India so far (Statewise)?

The Minister in the Ministry of Communications (Shri Raj Bahadur): The information. State-wise, is not readily available and the time and labour involved in the collection of such information will not be commensurate with the results likely to be achieved. Attention of the hon' ble Member, is, however, invited to page 52 of the official report of the Ministry of Rehabilitation for the year 1955-56. There, detailed information will be found of the number of families settled on lands and provided employment through Employment Exchanges. In addition, by the provision of loans and the setting up of industries, considerable numbers have been enabled to set up shops and small industries and to obtain employment in industries etc. Information about the amounts spent on loans and the setting up of industries will be found on page 53 of the Report.

Korean P. O. Ws.

6. **Shri Kamath:** Will the **Prime Minister** be pleased to state:

(a) whether there are any Korean *ex*-Prisoners of War still in Indian custody;

(b) if so, how many; and

(c) the names of countries for which they have opted, together with the number opting for each?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) Yes.

(b) 17 Korean *ex*-prisoners of war are till in Indian custody.

(c) 9 *ex*-prisoners wish to go to Mexico. Of these 5 have given Argentina as a secondary choice. 5 wish to remain in India and 1 wishes to go to North Korea. The remaiding two Opted for Aegentina but were foud medically unfit, hnd Coulal not, therefore, be sent to that country.

Board of Film Censors

7. **Shri Kamath:** Will the Minister of **Information and Broadcasting** be pleased to state the number of foreign films together with their titles whose exhibition was banned or which were cut by the Board of Film Censors during the period from April 1, 1955 up to date?

The Minister of Legal Affairs (Shri Pataskar): During the period from 1st April, 1955 to 31st October, 1956, 73 foreign films were refused certificate by the Central Board of Film Censors while 230 foreign films were certified by the Board subject to cuts. Eight films certified by the Board were subsequently uncertified by Government. Lists showing the title of these films are placed on the Table of the House. [*See* Appendix I, annexure No. 4].

Telegraph Offices in Telengana

8. **Shri Achalu:** Will the Minister of **Communications** be pleased to state:

(a) the number of Telegraph Offices opened in Telengana, Hyderabad State during the period 1st April to the 31st October, 1956; and

(b) how many more offices are likely to be opened during the current financial year?

The Minister in the Ministry of Communications (Shri Raj Bahadur): (a) 7.

(b) 7.

Silk Industry

9. **Shri Keshavaiengar:** Will the Minister of **Production** be pleased to state:

(a) the schemes submitted by the Mysore Government and the amount sanctioned and paid to Mysore State by the Central Silk Board for the development of Silk Industry during the year 1955-56; and

(b) the amount actually spent by that State and the amount surrendered as lapsed to the Board?

The Minister of Production (Shri K. C. Reddy): (a) A statement showing the schemes and amounts sanctioned during 1955-56 is laid on the Table of Lok Sabha. [*See* Appendix I, annexure No. 5]. This amount has not yet been paid to the Mysore Government as they hold large sums of the unspent balance of previous years.

(b) Out of the grants totalling Rs.13,01,245/- paid to the State Government upto 31-3-55, they have spent Rs. 4,70,894/- upto 31-3-56. The balance has not yet been surrendered by the State Government.

Silk Fabrics

10. Shri Keshavaiengar: Will the Minister of **Production** be pleased to state:

(a) approximately what is the quantity of silk fabrics of Banaras exported from India at present; and

(b) the amount of foreign exchange earned thereby?

The Minister of Production (Shri K. C. Reddy): (a) and (b). The export trade statistics are not maintained separately for each place in the country. Silk manufactures worth Rs. 33.07 lakhs were exported during 1955.

Indian Delegations to China

11. Shri Hem Raj: Will the **Prime Minister** be pleased to state:

(a) the number of Indian Delegations other than Parliamentary delegations which visited China in the years 1955 and 1956 and their composition;

(b) the number of Chinese delegations which visited India in the same years; and

(c) the expenses incurred on the various Indian delegations to China and on Chinese delegations which visited India?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) The following 4 Indian Delegations visited China during 1955:

(*i*) Indian Cultural Delegation consisting of 56 members and headed by the Deputy Minister Shri A. K. Chanda. It was composed of dancers, musicians and other artistes.

(*ii*) Indian Film Delegation of 11 members led by Shri Prithvi Raj Kapur. The Delegation was composed of actors and producers.

(*iii*) Indian Teachers and Students' Delegation of 32 members and led by Shri C. P. Ramaswami Iyer.

(*iv*) Indian Medical Delegation of 5 medical directors led by Lt. Colonel M. L. Ahuja.

The following 4 Indian Delegations visited China during 1956:

(*i*) Defence Services Delegation of 9 members led by Lt. Gen. J. N. Chaudhuri, and including representatives of all the three armed services.

(*ii*) Planning Commission Delegation of 7 members led by Shri R. K. Patil and including experts in co-operative organisations to study Chinese Agrarian Co-operatives.

(*iii*) Agricultural Delegation of 6 members led by Shri M. V. Krishnappa and including agricultural experts to study Chinese Agricultural Planning and techniques.

(*iv*) Planning Commission Delegation of three members led by Shri Pitambar Pant to study Chinese economy on the spot.

(b) The following 2 Chinese Delegations visited India in 1955:—

(*i*) Chinese Scientific Delegation of 9 members attended the Indian Science Congress in January, 1955.

(*ii*) Chinese Medical Delegation of 5 members led by Dr. Ko Lin.

The following 2 Chinese Delegations visited India in 1956:—

(*i*) Chinese Agricultural Science Study Mission of 20 members and led by Mr. Chiong Chi Yen, reached India in September 1956 for a 75-day visit.

(*ii*) Chinese Scientific Delegation of 2 members attended the Indian Science Congress in January, 1956.

(c) The expenses incurred on these visits are not yet fully available, partly because some items have still to be paid for, and partly because the expenditure having been incurred by many Central Government Ministries, and attached and subordinate departments, and also State Governments, the figures have to be collected from many sources.

N.E.F.A.

12. Shri D. C. Sharma: Will the **Prime Minister** be pleased to state:

(a) the number of new schools opened in the entire N.E.F.A. during the last five years;

(b) the total expenses incurred thereon; and

(c) how far Government have achieved the targets proposed in the First Five Year Plan?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) and (c). Before the First Five Year Plan period 69 schools (67 primary, 1 middle and 1 high school) were functioning in NEFA. The first Five Year Plan provided for the fresh opening of 108 primary schools, 11 middle and 1 high school. During the last five years 85 new primary schools, 14 middle schools and 2 high schools have been opened.

(b) The following expenditure was incurred on the opening of the new schools:

	Rs.
85 Primary schools .	8,81,000
14 middle schools .	3,10,000
2 high schools .	2,03,000
TOTAL .	13,94,000

Hyderabad Gold Mines

13. Shri T. B. Vittal Rao: Will the Minister of **Labour** be pleased to state:

(a) the steps taken by the Regional Labour Commissioner (Central) to resolve the dispute between the management and the workers of the Hyderabad Gold Mines Company as the latter have been on strike since the 17th September, 1956; and

(b) the total loss of production of gold due to the strike?

The Minister of Labour (Shri Khandubhai Desai): (a) The Concilition Officer (Central), Secunderabad, held discussions with the parties concerned with a view to bring about a settlement. The strike was called off unconditionally on the 30th October, 1956.

(b) Information is being collected and will be laid on the Table of the Lok Sabha in due course.

वायदा बाजार

१४. **श्री खू० चं० सोधिया** : क्या **वाणिज्य और उपभोग-वस्तु उद्योग** मंत्री यह बताने की कृपा करेंगे कि :

(क) इस वर्ष के आरम्भ में कुल कितने वायदा बाजार थे ?

(ख) वे कहां-कहां पर थे और उन में किन वस्तुओं का व्यापार होता था ;

(ग) इस वर्ष में कितने नये वायदा बाजार खोले गये हैं और कहां-कहां पर; और

(घ) उन में किन वस्तुओं का व्यापार होता है ?

व्यापार मंत्री (श्री करमरकर) : (क) मान्यता प्राप्त वायदा बाजार दो थे ।

(ख) वे बम्बई में थे, और उन में रुई तथा अरंडी का व्यापार होता था ।

(ग) चौदह: नये वायदा बाजार बम्बई, राजकोट, सांगली, अहमदाबाद, दिल्ली, अडोनी, इंदौर तथा हैदराबाद में खोले गये ।

(घ) इन में मूंगफली (गिरी और तेल) अलसी, बिनौले, अरण्डी, हल्दी और रूई का व्यापार होता है ।

Hindustan Machine Tools Ltd.

15. Shri Jethalal Joshi: Will the Minister of **Production** be pleased to state how the products of the Hindustan Machine Tools Ltd. during 1955-56 compared with that of foreign products in so far as the quality and price are concerned?

The Minister of Production (Shri K. C. Reddy): The quality of production is comparable with the best lathe of similar type produced in foreign countries. The selling price of lathe is Rs. 32,000/- which compares favourably with the landed cost of comparable lathes imported from abroad, which is Rs. 39,000/-.

Telephones in Saurashtra

16. Shri Jethalal Joshi: Will the Minister of **Communications** be pleased to state:

(a) the names of cities and towns connected by the telephone system in Saurashtra;

(b) the total number of telephones in use in Saurashtra at the end of September; 1956;

(c) whether there is any proposal to extend the programme of telephone communication to any more places in Saurashtra in 1956-57; and

(d) if so where?

The Minister in the Ministry of Communications (Shri Raj Bahadur): (a) A list showing the names of cities and towns connected by telephone system in Saurashtra is placed on the Table of the Lok Sabha. [*See* Appendix I, Annexure No. 6].

(b) 3,729.

(c) and (d). Yes. A list of places to which telephone facilities are proposed to be extended is placed on the Table of the Lok Sabha. [*See* Appendix I, annexure No. 6].

Plantation Labour Housing Scheme

17. **Shri Sanganna:** Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) whether the Plantation Labour Housing Scheme is being implemented by the respective State Governments; and

(b) if so, the progress of the scheme in each State?

The Minister of Works, Housing and Supply (Sardar Swaran Singh:) (a) and (b). Out of the ten States and Union territories concerned with the Plantation Labour Housing Scheme, Assam has framed the necessary rules for administration of the Scheme in the State and called for applications for assistance from eligible planters. Bihar and Himachal Pradesh do not consider it necessary to implement the Scheme.

The remaining seven States and Union Territories concerned, *viz.*, Madras, Punjab, U.P., West Bengal, Mysore, Kerala and Tripura have not yet completed the preliminary arrangements necessary for the implementation of the Scheme.

Rural Housing Schemes

18. **Shri Sanganna:** Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) whether any instructions have been issued to the State Governments for expediting the Rural Housing Schemes;

(b) if so, what is the position o these schemes in each State; and

(c) the allocation of amount to each State in the Second Five Year Plan?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): (a) and (b). The Central Scheme for the setting up of Pilot Projects of Village Housing has not yet been finalised. However, the State Governments have in the meantime, been requested to select suitable villages for the proposed pilot projects of village housing.

(c) The allocation of each State will depend on the number of pilot projects to be undertaken by it, and this will be determined as soon as the Scheme is finalised.

Flying Clubs

19. **Sardar Iqbal Singh:**
Sardar Akarpuri:

Will the Minister of **Communications** be pleased to state:

(a) the number of trainees in the various gliding clubs;

(b) the prescribed period of training; and

(c) the average amount of expenditure incurred on each trainee during 1955-56?

The Minister in the Ministry of Communications (Shri Raj Bahadur) (a) The number of trainees in the various gliding centres during October, 1956 was as follows:—

1. Gliding Centre, Poona	41
2. Gliding Centre, Allahabad	8
3. Gliding Centre, Bangalore	22
4. Delhi Gliding Club, New Delhi	15
TOTAL	86

(b) There is no prescribed period of training. It depends upon regularity in attendance and inhertent air-sense of an individual trainee. On an average however, a trainee with regular attendance and average air-sense can go solo in about three weeks after 50-60 instructional flights.

(c) A total of 127 trainees were trained at the Poona Gliding Centre and the Delhi Gliding Club during 1955-56 at a total cost of Rs. 67,620/-. The average cost of training comes to roughly Rs. 533/- per trainee.

The Gliding Centres at Allahabad and Bangalore have been established only recently and the cost of training there is not included in these figures.

Sudan

20. **Sardar Iqbal Singh:**
Sardar Akarpuri:

Will the **Prime Minister** be pleased to state the number of judicial, educational and other technical personnel so far sent to Sudan by the Government of India?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): 70 in all, out of whom 6 are judicial, 6 are educational, and the rest technical and other personnel.

Co-operative Spinning Mills

21. { **Sardar Iqbal Singh :**
{ **Sardar Akarpuri :**

Will the Minister of **Commerce and Consumer Industries** be pleased to state:

(a) whether Government propose to establish co-operative sppinmig mills under the Second Five Years Plan;

(b) if so, what will be their share-capital ; and

(c) the places where they will be installed?

The Minister of Consumer Industries (Shri Kanungo) : (a) to (c). In order to assist handloom weavers in getting yarn supplies at economic prices, Government is encouraging the setting up of Co-operative Spinning units by Co-operative Societies. A statement of such units so far licensed is laid on the Table. [*See* Appendix I, annexure No. 7].

Manufacture of Ghani Oil

22. { **Sardar Iqbal Singh :**
{ **Sardar Akarpuri:**

Will the Minister of **Production** be pleased to refer to the reply given to Unstarred Question No. 21 on the 16th July, 1956, and state :

(a) the specific steps taken in Punjab State for the development of the manufacture of ghani oil;

(b) the number of oilmen's co-operative societies engaged in the manufacture of such oil;

(c) the number of societies which have not been given any assistance technical or otherwise with the result that they are not functioning; and

(d) the proposal, if any, for running the defunct oilmen's co-operative societies?

The Minister of Production (Shri K. C. Reddy) : (a) The following specific steps have been taken in Punjab (as before reorganisation) for the development of ghani oil industry :—

(i) Six model demonstration centres set up at Oel, Ladwa, Kadkad-Madan, Kulthaum, Abohar and Pattikalyani have gone into production.

(ii) 28 ghanis have been regis ltred with 19 selling agents recognised by the All-India Khadi and Village Industries Board for the purpose of earning the subsidy on the sale of ghani oil.

(iii) Necessary staff have been appointed for organising co-operative societies;

(iv) Financial assistance has been given to registered institutions and co-operative societies for purchasing and stocking oil-seeds, for purchasing improved ghanis on subsidised basis and for giving rebate to consumers on the sale of ghani oil @ 2/8/- per maund.

(b) 16.

(c) 13.

(d) There is no such specific proposal. Applications from societies for grant of financial assistance can, however, be considered.

Training in Handicrafts

*23\. { **Sardar Iqbal Singh :**
{ **Sardar Akarpuri:**

Will the Minister of **Production** be pleased to refer to the reply given to Unstarred Question No. 1666 on the 12th September, 1956, and state:

(a) whether the proposals to send candidates abroad for training in various Handicrafts have been finalised by the All India Handicrafts Board; and

(b) if so, the number of candidates, the names of handicrafts, and the names of countries where they would be sent for training?

The Minister of Production (Shri K. C. Reddy) : (a) and (b). The proposals received from the Handicrafts Boad are under consideration.

Examination for Postmen

24. **Shri Dhusiya :** Will the Minister of **Communications** be pleased to state:

(a) when the last examination for Postmen (in Gorakhpur Division) took place during 1955; and

(b) how many candidates were announced successful and whether all of them have been employed uptil now?

The Minister in the Ministry of Communications (Shri Raj Bahadur):

(a) 18-12-55.

(b) Only 4 candidates were declared successful and all of them have been employed.

DAILY DIGEST

[*Wednesday, 14th November,* 1956]

ORAL ANSWERS TO QUESTIONS 1-32

S.Q. No.	*Subject*	COLUMNS
1.	Burmah-Shell Oil Refinery	1-3
2.	Coal Mines Provident Fund Scheme. . .	3-4
3.	Wage Boards . .	4-5
4.	French Possessions in India . . .	5-6
5.	Cloth Production .	7-9
6.	Indo-Pakistan Boundaries. . . .	8-9
7.	Gandhi Samadhi . .	9-10
8.	Sanskrit Programmes in A.I.R . .	10-11
9.	Ram Charkha . .	11-12
10.	Nuclear Tests . .	12-14
12.	Madras Dock Labour Board . . .	14
13.	Educational Institutions for Displaced Students	15-16
14.	Strike in Raniganj - Colliery . . .	17
16.	Export Promotion . Councils . . .	17-18
17.	Match Industry .	18-20
18.	Nuclear Tests . .	20-21
19.	Forward Contracts (Regulation) Act .	21-23
21.	R.M.S. Workers Strike in Delhi . .	24-25
22.	Indians in Malaya .	25-26
24.	Water Supply at Kothagudium . .	26
26.	Displaced Persons from East Pakistan .	27
27.	Indo-Pak Conference .	28-29
28.	Foreign Sea Mails .	29-30
30.	National Council for Training in Vocational Trades . .	0
32.	Visakhapatnam Dry Dock . .	31-32

WRITTEN ANSWERS TO QUESTIONS 32-48

S. Q. No.	*Subject*	COLUMNS
11.	Textile Exports.. .	32
15.	National Coal Development Corporation. .	32-33
20.	Khadi Emporium at Calcutta . . .	33
23.	Registration of Handlooms . . .	33-34
25.	Navigator's Course .	34
31.	Giridih Collieries .	34-35
33.	Asoka Hotel . .	35
34.	Handicraft Industries. .	35-36
35.	Central Labour Institute, Bombay. :	36
36.	Korba Coal Fields .	36
37.	Payment of Compensation	37
38.	Damage by Recent Earthquake . .	37-38
U.S. Q.No.		
1.	Passports	38
3.	Export of Films.. .	38
4.	Shops and Emporia .	38-39
5.	Refugees from West Pakistan . . .	39
6.	Korean P.O.Ws. .	39
7.	Board of Film Censors.	40
8.	Telegraph Offices in Telengana . .	40
9.	Silk Industry . .	40-41
10.	Silk Fabrics .	41
11.	Indian Delegations to China . . .	41-42
12.	N.E.F.A.	42-43
13.	Hyderabad Gold Mines	43
14.	Forward Markets .	43-44
15.	Hindustan Machine . Tools Ltd. . .	44
16.	Telephones in Saurashtra	44-45
17.	Plantation Labour Housing Scheme .	45

DAILY DIGEST

WRITTEN ANSWERS TO QUESTIONS—

U.S. Q.No.	*Subject*	COLUMNS
18.	Rural Housing Schemes	45
19.	Flying Clubs	46
20.	Sudan . . .	46
21.	Co-operative Spinning Mills . . .	47
22.	Manufacture of Ghani Oil . . .	47-48
23.	Training in Handicrafts	48
24.	Examination for Postmen . . .	48

LOK SABHA DEBATES

(Part II—Proceedings other than Questions and Answers)

VOLUME IX, 1956

सत्यमेव जयते

Fumigated
On 12-5-81
Parliament Library
7.1.83
Gazettes & Debates Section
Building
Acc. No. ....
Dated....................

FOURTEENTH SESSION, 1956

(*Vol. IX contains Nos. 1 to 15*)

LOK SABHA SECRETARIAT
NEW DELHI

CONTENTS

Part II - Parliamentary Debates
(Part II - Proceedings other than Questions and Answers)

No. 1—Wednesday—14th November, 1956 **Columns.**

Death of Shri Bhawani Singh 1
Motions for adjournment—
  Government's attitude to Five Power Resolution on Hungary . 2-3
Refusal of Election Commission to recognise Socialist Party of U.P. 3-4
Token strike of employees of Life Insurance Corporation . . 4—6
Papers laid on the Table . . . . 6—10
President's assent to Bills 11
Resignation of Members 12
Electricity Supply (Amendment) Bill—
  Extension of time for presentation of Report of Select Committee 12
Code of Civil Procedure (Amendment) Bill—
  Motion to consider as reported by Joint Committee . 12—76
  Clauses 1 to 16 . . . . 76—78
  Motion to pass as amended 78-79
Manipur (Village Authorities in Hill Areas) Bill—
  Motion to consider . . . . . . 79—102
  Clauses 1 to 58 and schedule . . . . . 103—118
  Motion to pass as amended 118
Daily Digest . . . . 119—24

LOK SABHA DEBATES

Dated...23.03.201

(Part II—Proceedings other than Questions and Answers)

Vol. IX] **First Day of the Fourteenth Session of First Parliament of India** **[No. I**

LOK SABHA

Wednesday, 14*th November*, 1956

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER (SHRI M. ANANTHASAYANAM AYYANGAR) *in the Chair*].

QUESTIONS AND ANSWERS

(*See* Part I)

12 hrs.

DEATH OF SHRI BHAWANI SINGH

Mr. Speaker: I have to inform the House of the sad demise of Shri Bhawani Singh, a Member of this House from Barmer Jalore, Rajasthan. We mourn the loss of Shri Bhawani Singh. I am sure the House will join me in conveying our condolences to his family. The House may kindly stand in silence for a minute.

Shri Jaipal Singh (Ranchi West—Reserved—Sch. Tribes): Before rising, may I, on behalf of the Independent Members' Group of which he was a valued Member, add a few words to what you have said?

Mr. Speaker: No, no. If hon. Members have any such desire to make some reference on the floor of the House, they should have already communicated to me. I have requested the Members to stand in silence.

The Members stood in silence for a minute.

MOTIONS FOR ADJOURNMENT

GOVERNMENT'S ATTITUDE TO FIVE-POWER RESOLUTION ON HUNGARY

Mr. Speaker: I have received notice of an adjournment motion from Shri Kamath: Government's attitude to the Five Power Resolution on Hungary moved in the U.N. General Assembly on November 9, 1956.

I have received a communication from the Prime Minister saying,

> "I propose to make a statement in the Lok Sabha on the 16th November. I shall deal with this matter then. Apart from this, we shall have an early debate in the Lok Sabha on International Affairs. I would suggest, therefore, that it is not necessary to take this matter up separately."

Shri Kamath (Hoshangabad): May I make an earnest request that the debate may be held on Friday itself after the statement is made or at the latest, on Monday? It is a very urgent matter of world importance. It should not be delayed at all. At the latest, it should be held on Monday.

Mr. Speaker: On the 16th, the statement will be made.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): So far as we are concerned, we should like to have as early a debate as possible. I do not mind if it is on Friday or Monday. It is a question of adjustment in the business of the House. Government will accept any day for the debate.

Mr. Speaker: The Business Advisory Committee is meeting at 4 o'clock today. We will fix up the time and the date.

REFUSAL OF ELECTION COMMISSION TO RECOGNISE SOCIALISTIC PARTY OF UTTAR PRADESH

Mr. Speaker: I have received notice of another adjournment motion from Pandit S. C. Mishra: Refusal of the Election Commission of India to accord recognition to the Socialist Party of Uttar Pradesh as a State Party even after the fulfilment of the conditions laid down by the Election Commission.

The Minister of Legal Affairs (Shri Pataskar): I got notice of this adjournment motion, I think, only an hour back. I believe there is no urgency so far as I can see about this matter. If the hon. Member has got any grievance with regard to the allotment of symbol to the Party, if he makes a representation, I will make enquiries and give information either to him or to the House itself.

Pandit S. C. Mishra (Monghyr North-East): I do not understand what the hon. Minister meant by saying that if our Party wanted a symbol, we should write to him. As laid down in the procedure, we wrote to the Election Commission and the Election Commission has finally said that they are not going to give us a symbol. If the Minister undertakes to correct it afterwards, I am prepared to give up my adjournment motion.

Mr. Speaker: The hon. Minister has said that he will look into the matter.

Shri Pataskar: It has also to be noted that the Election Commission is an independent Constitutional authority. I have no desire to withhold whatever information that I can give to the House. That is what I have suggested.

Mr. Speaker: I do not think I am called upon to grant permission for this motion.

Pandit S. C. Mishra: Let it stand over.

Mr. Speaker: The hon. Member can talk to the hon. Minister and make representations to him. Whatever can be done under the law and the Constitution, I believe, will be done.

TOKEN STRIKE OF EMPLOYEES OF LIFE INSURANCE CORPORATION

Mr. Speaker: I have received notice of another adjournment motion from Shri Sadhan Gupta: the failure of Government to avert the token strike of the employees of the Life Insurance Corporation of India by not negotiating with their representatives for the redress of their grievances in respect of the fixation of inadequate pay scales and allowances and the promulgation of retrograde service conditions and particularly in respect of the denial of their legitimate claims for bonus.

The Minister of Finance and Iron and Steel (Shri T. T. Krishnamachari): I do not know how far these presumptions are correct. I do not know about the token strike. I do not think it has yet taken place. So far as negotiations are concerned, some time back I saw representatives of various organisations representing clerks and other officers working in the Life Insurance Corporation and explained the Government point of view. So far as pay scales are concerned, I did make a statement before the House rose last session. We have stuck to the assurance that we have given and nobody has been adversely affected. Beyond that I cannot say anything on this particular adjournment motion. Nor can I say that there is anything particularly urgent in this particular matter so that there should be an adjournment of the House to discuss this matter.

Shri Sadhan Gupta (Calcutta South-East): May I submit, Sir, that there have been reports in the press and we know that it has been definitely decided by the employees to go on a token strike to protest against the pay scales fixed. My adjournment motion is directed to the necessity of negotiating with them in order to arrive at a settlement in these matters. All these pay scales and other service conditions, etc., were fixed without consulting the employees. Now, the Finance Minister has stated that he saw the employees. Actually, what happened was, a deputation of the employees saw him. That is not a negotiation. Negotiation means some kind of a bi-partite conference between the Government and the employees, perhaps also including representatives of the corporation, to ascertain what their grievances are and to come to conclusions.

Mr. Speaker: Order, order. I have heard enough on this matter. The hon. Minister has said that he is not aware of any token strike. A mere threat or newspaper report is not enough for this purpose. On every detail of the manner in which the Government should negotiate with the workers to settle this matter cannot be made the subject matter of a discussion in this House. Generally whether the Government is alert or taking interest or not, the hon. Minister has informed the House. Of course, all other legitimate steps will be taken. I am not called upon to give my consent to this adjournment motion.

Shri Nambiar (Mayuram): Before the strike materialises, it is necessary to see whether this can be averted.

Mr. Speaker: They are doing so. The hon. Minister has seen the representatives.

Shri Sadhan Gupta: There is no question of details about negotiations. There has been no negotiation at all. I think we may assume that in the matter of fixing of pay scales of a section of the employees......

Mr. Speaker: I have given my ruling. In the previous session also this matter came up. The hon. Minister said: "We are trying to fix the scales. There are a number of life insurance companies with different scales, each differing from the other" and so on. Under those circumstances, it is a little premature. Let us wait and see.

Shri Sadhan Gupta: The scale is fixed.

Mr. Speaker: That is all right. If they have been fixed, they have been fixed.

PAPERS LAID ON THE TABLE

ORDERS UNDER ESSENTIAL COMMODITIES ACT

The Minister of Agriculture (Dr. P. S. Deshmukh): On behalf of Shri A. P. Jain I beg to lay on the Table a copy of each of the following Orders, under sub-section (6) of section 3 of the Essential Commodities Act, 1955:—

(1) The Calcutta Wheat (Movement Control) Order, 1956, published in the Ministry of Food and Agriculture Notification No. S.R.O. 2033, dated the 5th September, 1956.

(2) The Delhi Wheat (Movement Control) Order, 1956, published in the Ministry of Food and Agriculture Notification No. S.R.O. 2034, dated the 5th September, 1956.

(3) The Bombay Wheat (Movement Control) Order, 1956, published in the Ministry of Food and Agriculture Notification No. S.R.O. 2098, dated the 17th September, 1956.

[*Placed in Library. See Nos.* S-422/56; S-423/56; S-424/56.]

AMENDMENT TO WORKING JOURNALISTS WAGE BOARD RULES

The Minister of Labour (Shri Khandubhai Desai): I beg to lay on the Table, under sub-section (3) of section 20 of the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955, a copy of the Notification No. S.R.O. 2136, dated the 22nd September, 1956, making certain amendment to the Working Journalists Wage Board Rules, 1956. [*Placed in Library. See No.* S. 425/56.]

STATEMENT SHOWING ACTION TAKEN BY GOVERNMENT ON ASSURANCES ETC.

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): I beg to lay on the Table the following statements showing the action taken by the Government on various assurances, promises and undertakings given by Ministers during the various sessions shown against each:

(1) Supplementary Statement No. II—Thirteenth Session 1956 of Lok Sabha. [*See* Appendix I, annexure No. 8].

(2) Supplementary Statement No. VIII—Twelfth Session, 1956 of Lok Sabha. [*See* Appendix I, annexure No. 9].

ORDINANCES PROMULGATED BY PRESIDENT

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): I beg to lay on the Table, under the provisions of Article 123(2)(a) of the Constitution, a copy of each of the following Ordinances promulgated by the President after the termination of the Thirteenth Session, 1956 of Lok Sabha:

(1) The State Bank of Hyderabad Ordinance, 1956 (No. 5 of 1956).

(2) The Administration of Evacuee Property (Amendment) Ordinance, 1956 (No. 6 of 1956).

(3) The Displaced Persons (Compensation and Rehabilitation) Amendment Ordinance, 1956 (No. 7 of 1956).

(4) The Road Transport Corporations (Amendment) Ordinance, 1956 (No. 8 of 1956).

(5) The Representation of the People (Amendment) Ordinance, 1956 (No. 9 of 1956).

[*Placed in Library. See* Nos. S-428/56; S-429/56; S-430/56; S-431/56 and S-432/56.]

EXPLANATORY STATEMENT REGARDING STATE BANK OF HYDERABAD ORDINANCE

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): I beg to lay on the Table, in pursuance of sub-rule (2) of Rule 89 of the Rules of Procedure and Conduct of Business in Lok Sabha, a copy of the explanatory statement regarding the State Bank of Hyderabad Ordinance, 1956 (No. 6 of 1956).

Statement

The State Bank of Hyderabad Bill, 1956 was introduced in the Lok Sabha on the 28th August, 1956 to provide for the transfer of the share capital of the Hyderabad State Bank to the Reserve Bank of India and for its proper management. The Lok Sabha could not, however, take up the Bill for consideration for want of time.

The Hyderabad State Bank has formed an integral part of the financial and banking machinery of the areas comprising the present State of Hyderabad. As agent of the Reserve Bank of India in the State, it has been handling the actual day to day cash work at all important centres of the State. For the performance of the treasury business as well as for the provision of remittance and exchange facilities to banks and the public in the State, the Hyderabad State Bank has been maintaining currency chests of the Issue Department of the Reserve Bank and small coin depots of the Government of India at its branches. There are 33 centres in the area of the Hyderabad State where the treasury business has been conducted by the Hyderabad State Bank and at 25 of these centres, currency chests and small coin depots have been maintained. All these centres have been distributed after the reorganisation of the States, among the three new States of Andhra Pradesh, Bombay and Mysore. In order to avoid a serious dislocation of the banking and treasury arrangements in the area as a result of the reorganisation it became necessary to make appropriate changes in the constitution and management of the Hyderabad State Bank, before the reorganisation of States took effect.

The special powers which the Hyderabad State Government were exercising in relation to the Hyderabad State Bank could not also obviously be distributed among the three different State Governments. It was essential for the smooth functioning of the Bank that there should be unified control over the Bank in a manner which would enable it to perform Government banking and treasury business efficiently, and in addition undertake a subsidised programme of expansion of banking and credit facilities. The Hyderabad State Bank Ordinance was therefore promulgated to provide for the transferance of the shares of the Hyderabad State Bank to the Reserve Bank of India and to obviate the dislocation which would otherwise have arisen in the working of the bank from 1st November, 1956.

NOTIFICATIONS UNDER CENTRAL EXCISES AND SALT ACT

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): I beg to lay on the Table a copy of each of the following Central Excises Notifications, under section 38 of the Central Excises and Salt Act, 1944:

(1) Notification No. 11-CER/56, dated the 8th September, 1956.

(2) Notification No. 12-CER/56, dated the 8th September, 1956.

(3) Notification No. 13-CER/56, dated the 8th September, 1956.

(4) Notification No. 14-CER/56, dated the 25th September, 1956.

[*Placed in Library. See No.* S-434/56].

AMENDMENT TO COFFEE RULES

The Minister of Consumer Industries (Shri Kanungo): I beg to lay on the Table, under sub-section (3) of section 48 of the Coffee Act, 1942, a copy of the Notification No. S.R.O. 2201, dated the 29th September, 1956, making certain amendment to the Coffee Rules, 1955. [*Placed in Library. See No.* S-435/56].

PRESIDENT'S PROCLAMATION *re*: KERALA

The Minister in the Ministry of Home Affairs (Shri Datar): I beg to lay on the Table, under clause (3) of Article 356 of the Constitution, a copy of the Proclamation issued by the President on the 1st November, 1956 under Article 356 of the Constitution, assuming to himself all the functions of the Government of Kerala State. [*Placed in Library. See No. S-436/*56].

PUBLICATIONS REGARDING GOA

The Deputy Minister of External Affairs (Shri Anil K. Chanda): I beg to lay on the Table, in pursuance of an undertaking given on the 6th August, 1956 in reply to a Supplementary on Starred Question No. 722, a copy of each of the following Publications regarding Goa:

(1) *Goa, 15th August,* 1956.

(2) *The Story of Goa—English, Spanish, Portuguese and Arabic editions.*

(3) *Facts about Goa.*

[*Placed in Library. See Nos.* S-437/56; S-438/56 and S-439/56].

Shri Kamath (Hoshangabad): On a point of information with regard to Item No. 8 in the name of Shri Datar may I know whether the House will have an opportunity of discussing the President's Proclamation. It is an important matter and I hope we will get a chance to debate it.

Shri Datar: I did not follow the non. Member.

Mr. Speaker: Will the House have an early opportunity of debating this Proclamation?

Shri Datar: It is for you to say. We have no objection.

Mr. Speaker: I will consider it.

PRESIDENT'S ASSENT TO BILLS

Secretary: Sir, I have to inform the House that the following Bills, which were passed by the Houses of Parliament during the last Session, have been assented to by the President since a report to the House was last made on the 13th September, 1956:

1. The Indian Coconut Committee (Amendment) Bill, 1956.
2. The National Highways Bill, 1956.
3. The River Boards Bill, 1956.
4. The Indian Cotton Cess (Amendment) Bill, 1956.
5. The Indian Institute of Technology (Kharagpur) Bill, 1956.
6. The Government Premises (Eviction) Amendment Bill, 1956.
7. The Lok Sahayak Sena Bill, 1956.
8. The Indian Post Office (Amendment) Bill, 1956.
9. The Supreme Court (Number of Judges) Bill, 1956.
10. The State Financial Corporations (Amendment) Bill, 1956.
11. The Public Debt (Amendment) Bill, 1956.
12. The Central Excises and Salt (Amendment) Bill, 1956.
13. The Indian Railways (Amendment) Bill, 1956.
14. The Representation of the People (Third Amendment) Bill, 1956.
15. The Khadi and Village Industries Commission Bill, 1956.
16. The Jammu and Kashmir (Extension of Laws) Bill, 1956.
17. The Scheduled Castes and Scheduled Tribes Orders (Amendment) Bill, 1956.
18. The Constitution (Seventh Amendment) Bill, 1956.

RESIGNATION OF MEMBERS

Mr. Speaker: I have to inform the House that the following four Members have resigned their seats in the Lok Sabha with effect from the dates mentioned against their names:

1. Shri Nijalingappa—27th October, 1956.
2. Shri R. N. S. Deo—1st November, 1956.
3. Shri Giridhari Bhoi—1st November, 1956.
4. Dr. Natabar Pandey—12th November, 1956.

ELECTRICITY SUPPLY (AMENDMENT) BILL

EXTENSION OF TIME FOR PRESENTATION OF REPORT OF SELECT COMMITTEE

Shri N. C. Chatterjee (Hooghly): I beg to move that the time appointed for the presentation of the Report of the Select Committee on the Bill further to amend the Electricity (Supply) Act, 1948, be extended upto the 30th November, 1956.

We have done some work and we hope to finish it by the end of this month. We have also to take some evidence.

Mr. Speaker: The question is:

> "That the time appointed for the presentation of the Report of the Select Committee on the Bill further to amend the Electricity (Supply) Act, 1948, be extended upto the 30th November, 1956."

The motion was adopted.

CODE OF CIVIL PROCEDURE (AMENDMENT) BILL

The Minister of Legal Affairs (Shri Pataskar): I beg to move:

> "That the Bill further to amend the Code of Civil Procedure, 1908, as reported by the Joint Committee, be taken into consideration."

Shri Kasliwal (Kotah-Jhalawar): May I know how much time you propose to fix for this Bill?

Mr. Speaker: What is the suggestion of the hon. Members who have read this? They may kindly tell us how much time they would like to have.

Shri Pataskar: I think it should not take much time.

Mr. Speaker: Two hours.

Shri Kamath (Hoshangabad): Not less than three hours—may be four.

Mr. Speaker: Three hours.

Shri Pataskar: Anything between two and three hours.

Shri Tek Chand (Ambala-Simla): It should not be less than three hours, it should be four.

Mr. Speaker: We shall fix it at three and see.

Shri Pataskar: As hon. Members are aware, this Bill to amend the Code of Civil Procedure was first introduced in this House on 7th May, 1955, and a motion to refer it to a Joint Committee was moved by me in this House on 2nd August, 1955, and the said motion was passed on 4th August, 1955. Subsequently, on 16th August, 1955, a motion was made in the Rajya Sabha that that House should concur in the recommendation of the Lok Sabha that the Bill should be referred to a Joint Committee and the said motion was passed by that House on 17th August, 1955. The Joint Committee very carefully considered all the provisions of this Bill and submitted its report on 12th December, 1955. Owing to pressure of work in Parliament a motion to take this report into consideration could not be made earlier.

When I made a motion to refer this Bill to a Joint Committee, I explained in detail the several clauses in the Bill which were about 18 in number. The Joint Committee accepted many of the provisions in the Bill without any modification. There are only a few in respect of which they have suggested either modifications or deletion. I shall therefore not take the time of the House by again referring to those provisions in the Bill which I had explained in detail on the last occasion, and shall confine myself only to the few changes that have been effected by the Joint Committee. These changes are:—

Clause 2 of the Bill relates to an amendment of section 34 of the Code of Civil Procedure. That section empowers a court to award further interest from the date of the decree up to the date of payment on the aggregate sum which comprises the principal sum, with interest. Clause 2 was provided to limit the rate of interest which a court can award on the decreetal amount to six per cent per annum. The Joint Committee went further and decided that interest not exceeding six per cent should be allowed only on the principal sum and not on the aggregate sum which does include some amount of interest. This is based on the equitable principle that interest ought not to be allowed on the amount of interest itself; in other words, to prevent compound interest.

Hon. Members are aware that there was considerable discussion with respect to clause 5 of the original Bill in this House on the last occasion. Section 39 of the Civil Procedure Code relates to transfer of decrees of one court to another court and clause 5 of the Bill proposed to add a sub-section as sub-section (2) to that section. It ran as follows:

> "(3) Nothing in this section shall be construed as authorising a Court to send for execution any decree passed by it *ex parte* before the 26th day of January, 1950, against a defendant who was not amenable, or had not submitted himself, to its jurisdiction to another Court to which the decree could not, under the law in force at the date of the decree, have been sent for execution, or as authorising such other Court to execute the decree."

[Shri Pataskar]

Hon. Members will find on turning to the Bill as it was introduced that it was stated then in the notes on this clause that it was proposed to introduce this sub-section for the following reasons:

Courts in former Indian States were foreign courts before the commencement of the Constitution. All decrees passed by such foreign courts were not executable by courts in India under section 39 of the Civil Procedure Code. The position had become anomalous after the commencement of the Constitution. It is now sought to be made clear that *ex-parte* decrees passed before the 26th January, 1950, by such courts shall not be executed by courts in India under section 39 nor any *ex parte* decree passed before that date by any court in India shall be executed by any court in any former Indian State.

This clause was subjected to a good deal of discussion in this House and was also a matter of considerable discussion in the Rajya Sabha and in the Joint Committee.

The question for consideration is whether decrees passed by courts in former Indian States before the 26th January, 1950, are executable in the courts in what was known as British India after that date and *vice versa*. Under section 39 of the Civil Procedure Code, a court which passed a decree may send it for execution to another court and the court to which it is sent may execute the decree. Before the commencement of the Constitution, courts in the Indian States were regarded as foreign courts and their decrees were not executable in India, unless there were reciprocal arrangements which permitted such execution. On the commencement of the Constitution, all courts in Indian States became courts in the territory of India and, later on, the Civil Procedure Code was also extended to Part B States on the 1st April, 1951. There cannot be any manner of doubt that any decree passed after 1st April, 1951, by any court in India is executable in any other court in India. It is arguable that a decree passed by a court after the commencement of the Constitution is similarly executable, though the Allahabad High Court has taken a different view.

Difficulties arise in regard to decrees passed before the 26th January, 1950. When any such decree passed by a court in an Indian State was sent for execution to a court in former British India before that date, the judgment debtor had the same defence open to him in execution as if he were sued on a foreign judgment. The short point for consideration is whether by subsequent events, viz., the merger of the State into the Indian Union, the commencement of the Constitution or the extension of the Civil Procedure Code to that State, the position has been materially altered.

There has been divergence of opinion between different High Courts on this question. The Bombay High Court has taken the view that such a decree is executable in India, provided the decree was passed by a court of competent jurisdiction under the local law. The views of the Bombay High Court have been upheld by the High Courts in Hyderabad, Rajasthan, Saurashtra, Punjab and Madhya Bharat.

It is a well-accepted principle of private international law that a decree passed *in absentum* in a personal action by a foreign court to the jurisdiction of which the defendant has not submitted in any way, is a nullity. It is not also disputed that notwithstanding this general principle, any local law may confer on a court the right to entertain a suit against a non-resident foreigner.

The Bombay High Court has taken the view that a decree passed by an Indian Court before the commencement of the Constitution is executable in an Indian State after such commencement. In coming to this conclusion, the Bombay High Court does not rely on article 261(3) of the Constitution. According to that High

Court, section 20(c) of the Civil Procedure Code which is a local law, confers jurisdiction on Indian courts to entertain suits against non-resident foreigners. A decree so passed is not a nullity and its enforcement or executability was limited to Indian Courts and it could not be executed or enforced in a foreign country because the defendant has not submitted to its jurisdiction. By subsequent political events, the character of the defendant has undergone a change. On account of the merger of the Indian States and the passing of the Constitution, the residents of Indian States are no longer foreigners qua courts in India. The impediment which was there in the enforcement of the decree has disappeared by reason of the change of the status of the defendant and the decree which was unenforceable before has become enforceable and executable in an Indian State. According to the Bombay High Court this decision does not in any way violate the principle of private international law.

On the other hand, the High Courts of Mysore, Rajasthan, Travancore-Cochin, Calcutta and Allahabad have reached a contrary conclusion in this matter.

The latest decision on the subject appears to be that of the Allahabad High Court which was delivered on the 11th April, 1955.

Shri N. C. Chatterjee (Hooghly): Allahabad has agreed with Calcutta.

Shri Pataskar: The latest decision on the subject appears to be that of the Allahabad High Court. This discusses the earlier cases on the subject. According to this High Court, a court can exercise jurisdiction over foreigners if they reside within its jurisdiction and if neither of those two conditions exists, the decree passed against a foreigner is an absolute nullity outside the court of the forum by which it was pronounced. Within that country it will be a good decree, if there is a special local legislation empowering the courts to exercise such jurisdiction. If there is no such special local legislation, the decree will be a nullity even within the country in which the court passing it is situated. This is the state of law so far as this matter is concerned, as decided by judicial decisions.

Though the High Courts have differed in their conclusions, an analysis of their judgments would reveal broad agreement on certain points:—

(i) a decree passed by a court in an Indian State against a person resident in former British India is a nullity, unless there is any special local legislation empowering the courts to exercise such jurisdiction;

(ii) even if there is any such special local legislation, the decree was not enforceable in the former British India before the commencement of the Constitution.

The converse will also hold good. The difference arises over the question whether subsequent events, viz., the merger of the State into the Indian Union or the passing of the Constitution which brought about a change in the status of the defendant make the decree enforceable now.

There are two possible alternatives which arise for consideration:

(i) That the *status quo* should be maintained and that the matter should be left to be decided by courts and that the legislature should not intervene in this matter. This has one advantage, viz., that the law as in force in a particular State by the decision of the High Court of that State, will not be disturbed. This may not, however, bring about a uniformity of law throughout India until the Supreme Court declares the law on the subject.

(ii) That the divergence of opinion among the High Courts should be removed by legislation. In such a case, it will be necessary to come to a firm decision on the question whether effect should be

[Shri Pataskar]

> given (a) to the views expressed by the Bombay High Court and other High Courts which agree with Bombay or (b) to the views expressed by the High Courts of Calcutta and Allahabad and other High Courts agreeing with them.

If effect is to be given to (a) above, a question arises whether the defendant should be given the right to set aside a decree sought to be executed against him on the ground that the decree, when passed was not binding on him. If, however, effect is to be given to (b) above, a provision may have to be made to the effect that the decree-holder should be allowed to file a fresh suit on the same cause of action, the period between 26th January, 1950, and the commencement of the Code of Civil Procedure (Amendment) Act being excluded for the purpose of limitation.

This mater was exhaustively considered in the Committee and strong views were expressed in favour of the views held by both the groups of High Courts. The main question before the Joint Committee was whether interference by legislation at this stage was desirable. It is to be noted that it is now more than six years after the commencement of the Constitution and the law with respect to the execution of these decrees in different States has now come to be settled by the decision of the different High Courts in those States. It is possible that any interference by legislation at this stage is likely to lead to upset the existing law on the subject in different States. There is also a possibility or even likelihood that if and when the matter comes to be decided by the Supreme Court, that itself might create some sort of uniformity throughout India in respect of the legal position. The Joint Committee therefore came to the conclusion that a uniform procedure as envisaged in that clause would neither be practicable nor desirable and that that clause should therefore be dropped. In conformity with this decision, the original clause 5 of the Bill has been dropped.

Clause 5 of the original Bill sought to provide expressly that the principles of *res judicata* should be applied to execution cases also. There is, however, a decision of the Supreme Court reported in AIR (1953) S.C. p.65, that the principles of *res judicata* are also applicable in execution cases. The Committee therefore thought that in view of this decision, provision of this clause was unnecessary.

Original clause 13 of the Bill sought to restrict the revisional jurisdiction of the High Courts in respect of cases in which the aggrieved party had a remedy by way of appeal to any court. As hon. Members are aware there were several hon. Members in this House who objected to this restriction. It is true that even now High Courts seldom exercise their powers of revision in cases where the aggrieved party has an alternative remedy by way of appeal to any court. The Committee therefore thought that considering all these things, there should not be any statutory bar against the exercise of such jurisdiction by High Courts in hard cases.

I think probably the Select Committee expressed itself very strongly against certain opinions of the House that we should not interfere with the powers which are already vested in the High Court and, I think, the Select Committee has rightly come to this correct decision, which, I hope, will be acceptable to the House.

Clause 14 of the original bill (new clause (12) was also subjected to a good deal of discussion in the House on the last occasion and the necessity for a clause like this was also explained by me in detail on that occasion. This clause gives a list of persons who will be entitled to exemption from personal appearance in courts. The Select Committee thought that the Judges of the Supreme Court and the Judges of the High Courts should also be entitled to such exemption. This clause has accordingly been suitably modified by the Select Committee by the addition of these names.

As a result of the re-organisation of States, Part 'B' States and their Rajpramukhs have disappeared. Part 'C' States have also disappeared and we have Union territories and Administrators thereof. Sub-clause V of clause 1 of clause 12 will have therefore to be suitably modified. I have already given notice of a suitable amendment for the purpose. These are some of the main changes made by the Select Committee in this Bill, and I hope they will be accepted by the House. As I pointed out on the last occasion, the amendments proposed fall into the following categories: I think I need not dilate upon them because they are not controversial. (1) Those necessitated by the changes in the Constitution. They are contained in clauses 5, 12 and 14 of the Bill;

(2) those necessary to remove some anomalies found as a result of the working of the Civil Procedure Code. They are contained in clause 9 and sub-clause (10) of clause 16;

(3) those rendered necessary by change in ideas of social justice and economic conditions. They are contained in clauses 2, 3, sub-clause (7) of clause 16 and clause 7;

(4) those intended to make further and wider provision to prevent vexatious claims and defences. That is contained in clause 4;

(5) those intended to make provision for speedier disposal of execution proceedings. They are contained in clauses 8, 17, sub-clause (5) of clause 16;

(6) to make further provision of summary trials in regard to suits on negotiable instruments. This has reference to sub-clause (8) of clause 16;

(7) to prevent multiplicity of proceedings. They are contained in clauses 6, 10 and 15;

The Bill was subjected to a good deal of criticism on the ground that it does not go far enough with respect to the question of making the administration of justice speedy. As hon. Members are aware, the larger question of suitably overhauling the entire system of civil judicial administration is before the Law Commission, and that Commission is likely to take some time before it will finally make its recommendations regarding this matter. I am sure that when those recommendations are made, the Parliament will duly take them into account and effect necessary changes in this part of the administration. There is, however, no reason to postpone the present measure, though limited in its scope, as it will give relief in the meantime. As lawyer Members of this House are aware, the Civil Procedure Code has undergone some small changes from time to time and the small changes that I have mentioned should be carried out for the reasons that I have already mentioned.

This aspect of the matter was also clearly expressed by me at the time when I made the motion to refer this Bill to the Select Committee. The House by passing that motion has accepted the necessity of this small measure, though limited in its scope. The provisions of this Bill are simple and most of them are non-controversial. I commend my motion already moved to the acceptance of the House.

Mr. Speaker: Motion moved:

> "That the Bill further to amend the Code of Civil Procedure, 1908, as reported by the Joint Committee, be taken into consideration."

Shri Kamath: Before the debate beings, I would like to invite your attention to the fact, I am given to understand, the Government of which the Minister is an hon. Member, has itself recommended 12 hours for the

[Shri Kamath]

discussion of this Bill; I find that it is an important Bill and I suggest that the time limit may be reconsidered by you and the House. The Business Advisory Committee is meeting this afternoon, and the discussion may therefore go on for the whole day.

Mr. Speaker: Hon. Members, whatever they might have suggested earlier, have read the Bill and have come prepared. I ascertained the views of the House. The hon. Minister said I want 2 or 3 hours. Hon. Members wanted three hours and Shri Kamath said he would like the debate to go on up to 4 hours. Then he said it could go on up to 4 O'clock. I will allow 3 hours for this debate. Let me see. Now you say that it must be extended to 12 hours. Hon. Members are very anxious that other matters should be discussed.

Shri Kamath: After hearing the Minister's speech, I am inclined to think that more time is necessary.

Mr. Speaker: Much of this is not necessary. The hon. Minister has given reasons why certain clauses have been dropped, only to enlighten the House. Anyhow, let us see. I want to ascertain from the hon. Members how the House would like to devote the time for the several stages. We shall take 3 hours for the time being. There are only a few formal amendments. One is to be moved by Shri Sadhan Gupta and relates to section 39, clause 4A. All others are merely formal. The amendments may be taken up in an hour and a half and then we may have 2½ hours for general discussion. Let us see.

Shri N. C. Chatterjee: Mr. Speaker, Sir, it is a matter to be regretted that there is no comprehensive Bill in order to amend the Civil Procedure Code. You may remember that Sir Tej Bahadur Sapru when he was a Minister of India made some very strong comments on the Civil Procedure Code and appointed a Civil Justice Committee presided over by Sir George Rankin, Chief Justice of Calcutta High Court and that Committee made some comprehensive recommendations which were incorporated in the Statute Book. Anyone who has got to do with the administration of justice in this country must admit that our procedural law requires radical revision at the earliest possible date. We have copied too much the English system of Civil Procedure. As a matter of fact whenever there is difficulty, we open the English Book, "the White Book" as it is called in England, but that is not right. We are pressed by too many technicalities of British law, which can easily be weeded out. The Chief Minister of my State, Dr. B. C. Roy, appointed a Civil Justic Committee presided over by Sir Trevor Harries, a judge of great experience and that Committee made certain recommendations to weed out certain portions of the Code of Civil Procedure. Unfortunately, things move very slowly, especially when it is a question of legal reform. The machine moves rather too slowly.

I am quite sure all sections of the House will impress upon the hon. Minister and the hon. Minister would himself recognize that our procedural system requires drastic and radical reorientation in the light of experience. It is quite correct, as the hon. Minister himself pointed out, that the Code must be revised from time to time. But it is high time that it should be under the searchlight of a proper legal expert or a juridical architect, if I may say so. There should be some kind of real planning behind it so that you can dispense with two black spots of our legal administration—delay and costliness. There are High Courts—I will not say all the High Courts, but most of the High Courts—in which regular appeals, first appeals are pending for five years, six years and seven years. I have been told that in one High Court the accumulation has gone up to about 30,000 appeals pending. I am told that in some High Courts there were 10,000 writ petitions pending, writ petitions which require immediate redress because there has been some kind of allegation of violation of Fundamental Rights. What is the use of making a declaration that Fundamental Rights are sacred and shall be given prime consideration and every citizen of India, under the Constitution, has been given not merely..

Shri Raghavachari (Penukonda): May I raise a point of order? The scheme of the Civil Procedure Code was relevantly discussed at the time of reference to the Joint Committee and the discussion went on in the Committee. Now the matter has come from the Joint Committee. The discussion should now be confined only to the provisions on record and not to the question of what might have been the subject matter included in the Bill. So my submission is that all this discussion now at this stage will not be very useful.

Shri N. C. Chatterjee: I don't think it would be improper or irrelevant to appeal to the House and specially to the hon. Minister to take into cognisance the almost unanimous feelings of all sections of the House, if I may say so.

Shri Pataskar: I am as keen as any other hon. Member to improve the Bill.

Shri N. C. Chatterjee: It is with a view to reinforce them that I am making this preliminary submission. My hon. friend need hardly remind me that I should speak only on the relevant provisions of the Bill.

Practically in every Minute of Dissent you will find the echo of strong language. The real object of this Bill was to eliminate delay and eliminate costs.

Mr. Speaker: I believe Mr. Raghavachari is anxious that other hon. Members must also have some time and, therefore, all that has been said regarding the comprehensive Bill need not be brought again. That is his object, I suppose.

Shri Raghavachari (Penukonda): Yes.

Shri N. C. Chatterjee: With regard to one clause that requires consideration, if you look into the Report of the Joint Committee signed by Shri Barman, Chairman of the Joint Committee, you will find the following:—

> "*Original clause* 5.—The clause sought to provide that *ex parte* decrees passed before the commencement of the Constitution by Courts in the former Indian States (regarded as foreign Courts) shall not be executed by Courts in India under section 39 of the *principal Act nor any ex parte* decrees passed before the commencement of the Constitution by Courts in India shall be executed in any of the former Indian States."

You know Sir, that it is the Cardinal principle of private international law that a decree passed in absentia by any foreign court is not at all binding on the defendant unless the defendant in some way submits to the jurisdiction of that court. That principle had been embodied in the Civil Procedure Code.

I do not want to mention any names or to make any invidious discrimination but there were some Indian courts over which the rulers used to exercise some kind of influence. Many people would not like to submit to the jurisdiction of the court because after all if an *ex parte* decree is passed, ultimately he can force the other party to come to the Court in India and have a proper adjudication.

Mr. Speaker: What is the difficulty? I am only making a suggestion. If an *ex parte* decree is delivered and if the defendant to whom notice is served on proper manner says that this ought not to be executed, let it be re-opened. In that case, the court to which it is sent, let it re-open and then proceed.

Shri N. C. Chatterjee: What I am pointing out is that there was a clause like that in the Bill. It wanted to provide that *ex parte* decisions by this court shall not be executed.

Mr. Speaker: I am taking one more step. Instead of allowing it to lapse, it may be reopened and then proceeded from that stage.

Shri N. C. Chatterjee: If you kindly look at the recommendation of the Committee, it says:—

> "The Committee are of the view that High Courts of India are sharply divided in their decisions in this regard and a uniform procedure as envisaged in the clause will neither be practicable nor desirable and, therefore, this clause should be dropped."

Now if you look at page (vi) of the report, that is, Mr. Vaishnav's Minute of Dissent, in the last paragraph it is stated:—

> "The Bombay High Court has taken the view that such a decree is executable in India provided the decree was passed by a court of competent jurisdiction. This view has been upheld by the High Courts in Hyderabad, Rajasthan, Saurashtra, Punjab and Madhya Bharat..........
>
> On the other hand, the High Courts of Mysore, Travancore-Cochin, Calcutta and Allahabad have reached a contrary conclusion in this matter."

Now, if you don't make any change in the law the result will be a complete cleavage, almost a chaos. If you are under the jurisdiction of the Bombay High Court, Chief Justice Chagla's view will operate. He says: no longer the cardinal principle of private international law operates; it shall be executable because it is no foreign court. If you go to Calcutta or Allahabad or Travancore-Cochin or Mysore, they take a different view, that is, the old conservative view.

Now I cannot understand the Joint Committee saying that let us drop it for the sake of uniformity. The Report says:

> "The Committee are of the view that High Courts of India are sharply divided in their decisions in this regard and a uniform procedure as envisaged in the clause will be neither practicable nor desirable and, therefore, the clause should be dropped."

Mr. Speaker: Therfore, there will be conflicts. Some High Court may go over its own decision.

Shri N. C. Chatterjee: And another High Court will stick to its own decision.

Shri A. M. Thomas (Ernakulam): And we will be abdicating our functions also.

Shri N. C. Chatterjee: What Mr. Thomas says is, to some extent, correct. You are abdicating your functions. They want some guidance from Parliament.

Mr. Speaker: Apart from the question of interpretation, it is open to this House to decide what ought to be done.

Shri N. C. Chatterjee: I can understand your saying that there is a Supreme Court judgment or this is the correct view and so on. But that is not the case here. They say that for the sake of uniformity let us not decide anything. But if you don't decide it, there will be no uniformity.

Shri U. M. Trivedi (Chittor): On what clause is the hon. Member speaking?

Mr. Speaker: On clause 5.

Shri N. C. Chatterjee: Clause 5, which has been omitted. Suppose in the Gwalior or Indore Court a decree was passed and if it is being executed in Bombay, then it is perfectly good. But if it is executed in Mysore, it will be wholly bad. If it is executed in Calcutta, it will be rejected as a nullity. There will be complete chaos.

Mr. Speaker: If it is transferred from one High Court to another, it is partly executable and partly non-executable.

Shri N. C. Chatterjee: It will be executed in one as a good decree and it will be a nullity in another. This is a thing which merits serious consideration. I am quite sure the hon. Minister is himself very much concerned over this I wish he could get some guidance from this House authoritatively.

If you look at Mr. Vaishnav's recommendation, on page (vii), in the last paragraph, it is stated:

> "In order to avoid further confusion and complications I am of opinion that the original clause 5 of the Bill be retained with a further proviso that such an *ex parte* decree holder should be allowed to file a fresh suit on the same cause of action, the period between 26th January 1950 and the commencement of the C.P.C. (Amendment) Act being excluded for the purpose of limitation. This would keep the remedy open to the *ex parte* decree holder instead of leaving him in lurch. The defendant then could defend the suit and thus proper justice could be imparted to both."

With great respect, I should like to say that this is an admirable solution of the difficulty. And it will be fair to all concerned. The decree holder will not be hurt, because up to the 26th January 1950 the decree could be executed. If there is any difficulty created after that or if the party is misled, the person can still get the benefit of the doubt. And he will not be deprived of the cause of action or his substantive rights.

Therefore, what I am submitting for the consideration of this honourable House is this. It is not a question of any party matter or anything like that; it is a matter of vital importance. And I know there are some cases where it is going to work very great hardship. Because, what has happened is that the people really did not defend some cases as they knew that this was the law and they did not like to put up a defence in a court which was amenable to feudal influences, if I may say so; and they took recourse to the ordinary principle recognised in private international law. I would, therefore, appeal to the hon. Minister, if it is possible, to consider the matter again. Otherwise, what will happen is this there will be complete confusion. Mr. Pataskar has said: let it be decided by the Supreme Court. That is one way of doing it. But I personally do not know of any particular case now pending in the Supreme Court where the point is actually in dispute. If it had been coming within a month or two, possibly there would have been something in favour of the Committee's attitude. But unless he can assure me that there is any case pending in the Supreme Court, I do not think it will be fair or right and proper to allow this matter to drift and to continue this uncertainty and chaos in our judicial system, which is certainly a vital matter.

This is all that I wish to submit at the present moment. On the other clauses,, if there is any submission that I would like to make, I shall do so when they come up.

Shri Sadhan Gupta (Calcutta South—East): We welcome this Bill because it seeks to amend the Code of Civil Procedure which undoubtedly needs a lot of amendment. This Code of Civil Procedure was given to us by our erstwhile English masters, and they could do nothing better than to introduce the judicial system that was known to them into our country, almost bodily in some respects. There was much that was good in that system, and as far as the Civil Procedure is concerned it is notorious that there were also some very evil aspects in the English judicial system. The English judicial system was notorious for its dilatory disposals, and some of these came to our country with the Civil Procedure that they introduced.

The Civil Procedure Code was first enacted in 1829 and then various Codes were enacted till this last Code of 1908. Some improvements were

[Shri Sadhan Gupta]

undoubtedly made, but then many defects remained—defects which characterised the British judicial system of those days. Because, we could hardly expect to register any greater advance than the British judiciary had registered up to that time.

I will not multiply instances; but, for example, the rigid system of discovery and inspection—which may be admirable for certain cases, certain complicated cases—has been applied to every case of every description, however simple it may be, and has unnecessarily held up legal proceedings in many instances. All these have to be amended.

Then, to add to the delay contributed by the provisions of this Code, the avarice of our masters came into play in enacting legislation for the levy of exorbitant court fees. And that also scared away litigants.

To make a comprehensive reform of the whole judicial system, not only this Code but also laws like the Court Fees Act, the Evidence Act, the Rules and procedure of the High Courts, all these things have to be touched. And I am quite aware of the difficulty of touching all these without having a comprehensive scheme. The Law Commission is going into the matter, and we hope that its recommendations would furnish a very valuable basis for making an exhaustive reform of the judicial system and to make our judicial system progressive and beneficial and a system which will add to the speed of disposal of litigation and which will reduce the cost to litigants. Even though a Law Commission is going into the matter, something might have been done to reduce some of the more glaring defects, to tackle some of the more non-controversial provisions in the Civil Procedure Code in particular. I do not think enough has been done in that respect.

After giving this view of mine, I proceed to indicate my agreement with some of the aspects of the Joint Committee's Report. It is an admirable thing that we have sought to reduce costs by doing away with the payment of interest on costs or interest on interests. Now, that is a good thing that has been done. It is contrary to progressive notions of social justice of modern times that interests should run on interests, or that interests should run on costs, that litigants should be allowed to bread metal like ewes and rams.

It is also an admirable thing that the original clause seeking to restrict the revisional jurisdiction of the High Court has been dropped. The High Courts have acted with the greatest sense of responsibility in exercising their revisional jurisdiction. I have seldom heard of any case—in fact, as to myself, I have heard of no case—in which the High Court has entertained an application for revision where an appeal lies. Under those circumstances, to come forward with such a provision was an unnecessary affront and an unnecessary insult to the High Court. And the Joint Committee certainly deserves congratulation for having omitted that clause.

Having said so much, I cannot help indicating my dissent from the Report of the Joint Committee in some respects. I would support Mr. Chatterjee's contention as regards the deletion of the original clause 5 of the Bill. An impossible situation has arisen because of conflicting decisions of different High Courts. The High Courts are divided six to four on the question whether a decree passed by a Court in an Indian State is executable in British India, and *vice versa*. One set of courts, led by the Bombay High Court, has held that it is executable after the passing of the Constitution. Another set has held that it is not executable. Now, there is a conflict, conflict on a very important matter. And I would have thought that that conflict was enough to prod us to step in and resolve it. There is no impropriety in it. There is no difficulty in it. We can simply say what the law should be. We can vote for either of these views, or we can put forward a new view, namely, we can add a provision for the saving of limitations, as Mr. Chatterjee has advocated. Now we have not done either, and the excuse for not doing it is even more astounding. The excuse is that the High Courts are sharply divided in their opinion and that is why it is undesirable to step in. I cannot understand how this excuse can be rationally given; how this excuse is at all sensible. If the High Courts are sharply divided it is all the more reason why we should come in and resolve this sharp conflict; but apart from this, apart from the rationality of it, apart from the commonsense or logic of it, I am concerned with the justice of it.

13 hrs.

The view of the Bombay High Court would obviously lead to great hardship in many cases. As Mr. Chatterjee has pointed out, many defendants had many reasons for not contesting a suit in a court, say, in an Indian State. They were amenable to all sorts of interests, and in any event when the defendant had a right not to contest a suit and exercised that right and a decree was passed *ex parte* against him and the defendant was perfectly sure that nothing would come out of that decree unless the plaintiff came forward and filed another suit in the jurisdiction in which he resided, or in British India, or in the Indian State, as the case may be, as he was sure of it, he had every reason not to contest. He was within his right not to contest. Now not having contested it, having got a decree against him, if it is to be executed against him without his having an opportunity to defend the suit, it is the height of injustice. I do not know how we can be asked to maintain that injustice. Of course, I can understand the plaintiff's point of view. If his suit is of no effect, by this time the suit might have been barred by limitation, we can make provision for it. We can either uphold the Bombay view. as the Minister said that the decree will be executable or that it may be reopened at the instance of the defendant who did not contest; or we can uphold the Calcutta view and say that the decree will not be executable, but the period of limitation will not run for a certain period, say, from the date of institution of the suit till the commencement of this Act, or to give him a reasonable notice of this Act, say, till sixty days after the commencement of this Act. I have given notice of an amendment on that line.

Now such provisions can be made. It is not impossible. We need not wait for a Law Commission for this purpose and we need not wait for the decision of the Supreme Court also for this purpose, because Government has not been able to give us any indication as to whether any such case is within the seisin of the Supreme Court and whether any such decision is likely to be arrived at soon enough. Mr. Chatterjee who ought to know about things in the Supreme Court says that he does not know of any case involving such a question before the Supreme Court. Therefore, we have no chance, we have no possibility of having the conflict resolved by the Supreme Court, and unless we resolve the conflict the conflict will go and all sorts of anomalies would arise.

As you pointed out a decree would be executable in one place and not executable in another place. It may be partly executed in one place and after transfer it may not be executable in another place. So, all these anomalies would arise. Therefore, you will find that many of us have appended minutes of dissent, disagreeing with the Committee's recommendations for deletion of clause 5. I would therefore, strongly urge upon the Government to reintroduce this clause with suitable modifications about the period of limitation, or adopt some other procedure, so that a thing which is absolutely revolting to all ideas of natural justice may not

[Shri Sadhan Gupta]

be perpetuated even in a part of the country.

There is another provision in clause 14 with which I disagree. That is the provision in sub-rule (2) of the proposed new rule 20A which provides for that the endorsement of a postal employee on the return of a registered letter may be deemed to be *prima facie* evidence of service. If the summons is served by a registered letter and the endorsement is made, it may be that it is not actually served, but the endorsement is procured. It is not very difficult in our country to get the endorsement of a post man as you want it. You can induce the post man if he is corrupt enough by greasing his palm to say that a certain letter was personally served upon a certain person. It may be wholly untrue. But it may be done. Still worse, it may be said 'that an attempt was made to serve him, but he refused. That endorsement will come and that would practically amount to personal service. When this return would be sent to the court it would be *prima facie* evidence. The defendant may be blissfully ignorant of everything that had hapened and therefore he would not be able to defend and the decree will be made in his absence. When the decree has to be set aside it is he who would have to prove. The onus will be upon him to prove that service was not made; that it was not served. As a matter of fact, in such cases it is the plaintiff who should discharge the onus, because it is the plaintiff who has to prove that due service was made. Therefore, we do not save very much; we do not add very much to speed; we do not reduce very much from the expensive litigation by this clause and yet we open the way to all kinds of corruption, all kinds of attempts to prevent the course of justice in civil courts. Therefore, I would strongly suggest the deletion of this particular provision: sub-clause (1) of clause 14.

The greatest opposition I have is to the amendment of section 133 of the Civil Procedure Code. Section 133 of course needs amendment. As it stands today, the Government has the right to notify the classes which would be exempted from appearing in a civil court. You know that while the Criminal Procedure Code (Amendment) Bill was being debated we on this side strongly resisted the incorporation of provision exempting certain persons from appearing in court on account of their offices alone. I take the same view in this matter also. What has been done in this case is to exempt certain dignitaries, including yourself, from appearance in court,—the President, the Vice-President, the Speaker, Judges of the High Courts, Judges of the Supreme Court, Ministers, everyone. I can quite understand that you give the civil court a power to exempt certain persons from appearing in court on account of preoccupation with their business, for example, if the Prime Minister is asked to appear as a witness, it may be that he is very busy at the moment and he should not be called to appear in the court to give evidence as a witness. If you, Sir, are required to appear as a witness just at this time, it may be that your parliamentary preoccupations keep you away and make it undesirable to call you back and, therefore, you should not be called in to appear in the court. Similarly with all the other dignitaries. But then the claim for exemption should be based on the preoccupation of the person, not on the office he holds. If you are exempt'ed, or the President is exempted or the Prime Minister is exempted because he is a Prime Minister, because you are a Speaker or because he is a President, then what happens is that you no longer remain a citizen equal to other citizens of India, you become somewhat deified in the eyes of the judge, in the eyes of the litigant, and in weighing the testimony which you give on commission, an added weight is put. When a dignitary is vested with some kind of halo, some kind of special privilege out of the ordinary, it cannot fail to induce courts, particularly the subordinate courts, to give added importance to his testimony. It may be that we have a good President; it may be that we have a bad President tomorrow; it may be that the character or the reputation or the value of the testimony of the present President is unimpeachable, but it may be also that in future there may be a President whose testimony is unworthy of credit and he should not be put on a different level from the other citizens in the evaluation of testimony. A Judge of the High Court, a Judge of the Supreme Court or all these other persons, if justice is required, must be prepared to give their attendance in a court of justice, to appear and give evidence like any ordinary citizen does, and they should not be regarded as more than ordinary citizens before the court of justice. But what do we do here? We treat them with special privilege. I know it may be urged that they have to bear the cost of the commission. But I am not at all bothered about the cost of the commission; I am bothered about the principle itself. If I am summoned, if any ordinary citizen is summoned to appear before a court of justice, he has no right to say, "I am not going to appear before a court of justice, I will bear the cost and you issue a commission to examine me". He has no right to say it. Why should any dignitary of the State, however high he may be, be allowed to advance that claim? I can understand his advancing a claim that he is busy with his work and he should not be called to court. Now the court would no doubt give an exemption and issue a commission in such a case. You remember that a year or so back there was a case at Nagpur where an assault was alleged to have been made or attempted on the Prime Minister, and the Prime Minister was a witness. He was examined on commission, obviously on account of the fact that he had preoccupations. No one objects to all that. But suppose he has no preoccupations at all; suppose a High Court is in vacation and the Judge is enjoying the vacation, suppose the Supreme Court is in vacation and the Judge is enjoying the vacation, suppose you are on a holiday, why should you or the Judge of the High Court or of the Supreme Court object to appearing before the court as an ordinary citizen does? This kind of procedure would absolutely pervert the course of justice, would vest the particular kind of witness with an added importance which it should not happen. Therefore, I strongly oppose this provision and I think it should be omitted, and section 133 should be amended so that the court is given a discretion to issue a commission where the preoccupation of the person makes it advisable that he should be examined on commission and he should not be called to appear before the court.

It is quite conceivable that in deciding such a claim on the basis of preoccupations, the office of the person would be taken into account. For instance, it would be readily assumed that a Judge of the Supreme Court, while the Supreme Court is sitting, cannot be called before a court to give evidence because he must be preoccupied. It would be readily assumed that you cannot be called today to give evidence in a court in Travancore-Cochin or perhaps even in a court in Delhi. But suppose during recess you are in Delhi, why should you object to appear before a court in Delhi and why cannot the court issue a summons if the course of justice demands it? That is why I strongly oppose this provision, and I hope the Government will yet observe the rules of democracy and gratify the conscience of the country by deleting this very reactionary provision. The Government has not been able to show the instance of a single democratic country where any dignitary enjoys this right of exemption from appearance before a court of law by virtue of his office. There is the President of the United States, the head of a great country; I do not think he enjoys that right. And there are other dignitaries in other countries. I have not heard

[Shri Sadhan Gupta]

that any one enjoys that right. It is only given to dignitaries like Kings. For instance, the King of England, I understand, has not only the exemption but has not even the right to appear before his courts. That is a different thing. There it has been thought desirable, rightly or wrongly, to maintain the institution of royalty, and when you maintain it, you must vest it with much dignity. But here we have adopted a democratic constitution, a republican constitution, where every citizen is equal, every citizen is supposed to be entitled to hold any office up to the highest dignitary, and in this country this kind of a privilege is utterly reactionary, utterly against the conscience, the popular conscience, the democratic conscience, of the country.

Shri U. M. Trivedi: It is true that the Civil Procedure Code needed some amendment, but then what has been achieved by this amending Bill is more mischief than good. If completely the Civil Procedure Code was being overhauled, it would have been a different matter. As it stands, this patchwork has not been able to achieve what it was desired to achieve.

Regarding amendment to section 34 of the Civil Procedure Code, it has been pointed out by my hon. friend, Shri Sadhan Chandra Gupta, that it is very progressive in not allowing interest upon interest. The progressive thing has become a fashion, and it is these fashionable people who have become very conservative. Everything that savours of a particular thing which has been dubbed as progressive, must be followed. I see absolutely no justification for saying that interest on interest shall not be charged. It would have been quite a good thing and perhaps it was the object when this amendment was sought to be made that some indication must be given so that interest shall not be charged at more than a particular rate. But, there have been cases where the costs amount to Rs. 50,000 or Rs. 20,000. Conscious of the fact that no interest is to be paid on such costs, the defendants—I mean the people against whom a decree has been passed—do not exert themselves in the least or show any desire to pay the costs.

After all the Government has not considered one very progressive thing, which it ought to have considered, namely, doing away with the court fees. In England, no court fee is charged from any litigant. The fee charged is a small fixed sum of five shillings for any suit that may be filed. If this had been done by the Government, I would have very easily agreed to this proposition of charging no interest on costs. Where the money has to go into the pockets of the Government, every State has exerted itself to take the last ounce of blood out of the litigant. Even now, during the last three years, practically every State has amended its schedule of court fees and the court fees have been increasing. The Union Government had the power to make an amendment to the Court Fees Act which it had failed to exercise and had allowed the litigation to become very costly. After allowing that and after charging court fees from the plaintiff or the defendant as the case may, I see no reason for not allowing interest to be charged on the costs. So, this amendment is not a very happy amendment which will certainly not serve the purpose for which it is made.

I will draw the pointed attention of the hon. Minister to the omission of clause 5. This provision was of a very controversial nature. There is a new crop of litigation in the Bombay High Court and it is of this type that I am speaking. I do not know whether the hon. Minister is aware of it.

Shri Pataskar: Yes, yes. I am aware of it.

Shri U. M. Trivedi: No, Sir. Perhaps he is not aware of the type of cases which I am narrating. There is a provision in the Limitation Act that, if a defendant happens to be absent from British India for a particular time, the time he is so absent is not counted towards limitation. The Bombay State seems to have conquered the whole of Rajasthan and Madhya Bharat and on that analogy it is said that those who were living in the native States have now been brought into British India. They were not formerly in the British India and they have now come into the British India. So, the exemption limit which was granted under the Limitation Act to those who were not in British India is now being extended by the Bombay High Court and decrees are being passed. Deeds which were dead long ago and time-barred by all conceptions—10, 15 or 20 years back—are now being revived and decrees are passed on the basis that on 26th January, 1950, the Bombay State seems to have conquered the native States of Gujarat, Rajasthan or Madhya Bharat.

Shri Kasliwal (Kotah-Jhalawar): Which judgment of the Bombay High Court is the hon. Member referring to?

Shri U. M. Trivedi: Please read the judgments and you will find it. Such cases are pending before the Jaipur Bench also.

Then, there is another point. Section 39 allowed the execution of decrees to be transferred by virtue of the law which came into force on 26th January 1950. The ordinary interpretation of that section would be that such decrees could be executed. Somehow or other, our High Courts have not risen to the occasion. Some have interpreted in one way and the others in some other way. Perhaps some have interpreted on extraneous grounds and some on reasonable grounds. I am not here to discuss all those things. The views are differing. In omitting this clause, a very great injustice is being done to those who were in the native States. Every State is now an 'A' State. Many of these States integrated and decrees were passed by the various States. For instance, Sitapur, Ratlam, Jowra, Gwalior and so many States were integrated and Madhya Bharat was formed. Similarly, so many States have gone into the formation of Rajasthan. If this law is not suitably amended and the interpretation that is now prevailing in some of the High Courts is allowed to be followed, what will happen? In the State itself, the decrees passed by these States will not be executed, leaving aside the execution of these decrees in the various so-called British Indian States. So, it stands to reason and the Minister must apply his mind to clause 5 which has been deleted without perhaps going into the whole history and without knowing the conditions which are prevailing in the various States. If a decree was passed against a resident of British India by one of the States, if an *ex parte* decree was passed although there might not have been cause of action and jurisdiction, yet people in British India were strong enough as not to allow the processes to be served upon them. Even if they were served, nothing could have happened except that a decree could be passed. That being the condition, those who were in British India were protected completely. Similarly, there were people in the British India who wanted to obtain decrees against people living in the native States. Many of the Rajasthani people were carrying on their trade in Bombay or for some reason or the other, they had their dealings with Bombay. Bombay had no court fees. Till 1954, it can pass a decree for large sums of money and the court fees were Rs. 10. Even fictitious decrees were obtained in Bombay. I know of several cases where such decrees were obtained on forged promissory notes and fabricated documents. Lakhs and lakhs of rupees worth decrees were obtained in the Bombay High Court but they were dead letters. If these decrees or suits could not have been executed or filed in the native States, it stands to reason that such decrees which were obtained in the above manner, at least

[Shri U. M. Trivedi]

in the Bombay High Court, must not be allowed to be executed against persons who were then living in the native States and who were suddenly not conquered by the Bombay State. This aspect of allowing the law to lie as it is and thus allowing the mischief that is happening in the Bombay High Court to continue, must also be looked into. It was therefore very very reasonable that this provision ought to have been embodied in this amendment which is being sought to be made. I do not see how the Government yielded to give up this very reasonable provision from the amendment which is being sought to be made. To put the law on a uniform basis throughout India and looking to the conditions of the various B States which came into existence, this provision was very essential. A uniformity is called for in this law. It is high time that this deletion is again taken up and a suitable amendment with proper phraseology is brought in to the provisions made by the Joint Committee.

One more jarring thing which appears to me in the Bill as it has emerged from the Joint Committee is the amendment to section 35-A. So far as section 35 as it originally stood in the Civil Procedure Code was concerned, the compensatory costs, as we call them, were only allowable under certain circumstances. The note on clauses given in the original Bill reads like this in regard to this particular clause:

> "This clause seeks to enlarge the powers of Courts in granting compensatory costs in respect of false or vexatious claims or defence. This is necessary to check frivolous litigation. Under the existing section 35A, Courts can grant compensatory costs, only if the objection has been taken at the earliest opportunity."

It is not the question of objection being taken at the earliest opportunity. I raise objection to this amendment. The wholesome provision that existed then was this: "if the objection were taken at the earliest opportunity and if the court is satisfied of the justice thereof". That was the most important thing. That was the justiciable issue before the court. The court must say that there is justice and the hands of justice demands that compensatory costs must be granted. Now the whole thing has been taken away. The provision now made is "if it so thinks fit".

Shri Kasliwal: What about interests on costs?

Shri U. M. Trivedi: I have already spoken about it. I was saying that the provision now is: "If it so thinks fit". In other words, an arbitrary discretion has been given to the courts to grant compensatory costs. There may or may not be any justification for it, yet, if the court has been displeased in some manner—after all the human factor cannot be got rid of—and even if objection has not been taken by the party concerned, because the party is not affected in any manner, if the court during the progress of the trial feels one way or the other annoyed by the party concerned, there is nothing to prevent such a court or such a presiding officer from granting heavy compensatory costs against the party losing the case. Therefore my humble submission is that this fitful provision must not be embodied in the law. We know how the provisions of Order 40 have been worked in India. Appointment of receivers is refused on the whims of judicial officers because the words there are only "just and convenient". Every time the lower judiciary is not well trained. They have got their own prejudices. Sometimes they are recruited from persons who are not likely to succeed as lawyers. It is only when such unsuccessful lawyers become judicial officers that they create trouble for others. Therefore, if you allow this provision to come in and say "if it so thinks fit" the court will consider it proper to grant compensatory costs against the losing party on considerations which will not be considerations that may arise on the face of the record or on the facts as presented to the court.

13-35 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

Therefore, this provision should not be embodied in the Act itself.

I feel gratified to note that sections 68, 69, 70, 71 and 72 have been omitted. It is a very healthy thing that has been done. These were very mischievous and oppressive provisions and used to annoy litigants to a very great extent.

But this amendment to section 60 of the principal Act, which is sought to be made now, is not a very happy one. The original provision was that a man would be allowed at least Rs. 100 for himself and then, if he had a creditor who had obtained a decree from a court of law, one half of the remainder of his salary after saving him one half could be attached. That was a sort of bringing the people to a particular level. We were allowing the people a bare minimum for their maintenance, for keeping their body and soul together. This uniformity has been broken now and it is broken with this discriminatory provision. I do not see any reason why this discrimination ought to enter into the picture. If it is a case of maintenance then, all right, you can execute it. If it is a case of a man who has lent money to a person in his great hardship and to whom the other man does not want to pay or is reticent to pay, the court rushes to the rescue of the other man. He does not want to pay to a person who has obliged him when he had some necessity and the law is going to rescue such a person. It rushes up to him and tells him that so much is exempted. But in the case of maintenance the position is like this. In the case of maintenance this preference has been given. Why should it be so?

Shri Tek Chand: Because he must maintain.

Shri U. M. Trivedi: Maintain his wife who has obtained a divorce from him. Is it out of sheer, what you call, chivalry that this provision has been made, that he must maintain a woman who has quarrelled with him and who does not deserve any sympathy. Whatever may be the reason for divorce in thousands of cases the position would be that the man would not come forward with the true story about the divorce. At least in India the man would hang his head in shame to have a divorced wife. But you want to put a premium upon that and say that such a woman would get a better share if the man has got a lawful creditor.

Shri Pataskar: Maintenance may be by any other relation also.

Shri U. M. Trivedi: It is all theoretically good. We know that in practice no relation comes forward. Practically, it is the only thing that has come into the picture. I wish they had provided for something if the maintenance was claimed by the bastards, and that would have been something; but it is not so.

I would like to say a few words about the amendment to section 92 before I conclude. Section 92 of the Civil Procedure Code is a very healthy provision and if it is properly and honestly worked by the various States, perhaps the necessity for the provision of the Charitable Endowments Act of the various States could not have been felt, but, unfortunately, the Britishers who framed this provision had their own ideas of Government and they wanted to keep certain people always in their hands. Our present rulers have not seen the wisdom of the thing up till now, and they have always considered it a very healthy provision and a very healthy machinery in their hands with which they could continue the operation of the Britishers. Would it not have been possible to allow this section to be amended when the amendment was contemplated in regard to the Civil Procedure Code? This provision of asking for a permission or a sanction from the Advocate-General of the State concerned should be done away with. Would it not have been more conducive to the healthy growth of

[Shri U. M. Trivedi]

an administration—the administration of the charitable trusts or the public trusts—if it was provided that any *one*, instead of *two*, member among ten members of a society would be allowed to file suits without the sanction of the Advocate-General of the State concerned?

I know in so many cases sanction is refused only on the ground that the persons concerned with the people who commit breach of trust are high up in the hierarchy of the ruling Congress Party. It is such people who are protected thereby. Today, it may be the Congress Party, and tomorrow it might be another party. So, when you are amending the Act, there is no reason why section 92 should not be amended in such a way as to give a free hand to those who want to get the various public trusts in India administered properly. Therefore, my suggestion is that if the Government is anxious to do something by the people, to do something just by the people, then, it stands to reason that the provisions of section 92 should be so amended as to do away with the condition precedent to the filing of a suit under section 92, namely, obtaining the sanction of the Advocate-General. If that had been done, it would have gone a long way in putting some healthy and honest people on those trusts which are now being managed in a manner which is not conducive to the honesty or better morality of our people.

I should say that the amendment to section 102 is quite good. But it could have gone a long way if, instead of putting a further proviso, the proviso was done away with. It ought to be Rs. 1,000, without any proviso. If that was done, it would be still better.

I also appreciate the provision for exempting certain high dignitaries from appearance in courts as provided in section 133. My friend, Shri Sadhan Gupta, has said that it is not very democratic to allow this and yet, in the same breath, he has been kind enough to suggest that if these people are preoccupied with something, then, such an exemption could be granted to them and they may be examined in commission. I see no difference between the two provisions, because they will amount to the same thing. The moment an indication is given that some of these persons who have been mentioned here may be allowed exemption, on the ground of preoccupation, there would not be many magistrates and judges who would not agree to the granting of such exemptions. On the contrary, I say that the list is too small. It ought to be a little bigger than it is. I see no difference between the dignity of the Speaker of the House of the People and that of the Deputy-Speaker of the House of the People. Why should this exemption be not extended to the Deputy-Speaker of the House of the People?

Then, the Speakers of the State Legislative Assemblies have been granted exemption. Why should similar exemption not be granted to the Deputy-Speakers of the State Legislative Assemblies? Similarly, the Vice-President of India who happens to be also the Chairman of the Rajya Sabha has been granted exemption. I see no reason why the Deputy Chairman of the Rajya Sabha should not be granted similar exemption.

Mr. Deputy-Speaker: The hon. Member said that he would conclude with a reference to section 92.

Shri U. M. Trivedi: I thought so, but there is one more thing to which I should like to make a reference. Unfortunately, I received a copy—

Mr. Deputy-Speaker: Did the hon. Member's own remarks provoke him?

Shri U. M. Trivedi: Not my own remarks but my own points in the notes.

I also commend the provisions in order 20, rule 1, but I would go a little further. It would have been better had the power of the High Court to frame rules, contrary to the present provision, been also done away with. There have been cases in some High Courts where the judgment is often reserved. Judgments or orders are not passed by single judges, and one fine morning, it is seen from the notice-board that judgment in such and such cases would be delivered. Then, if it is a judgment of a single judge, there would be an appeal to the Division Bench without the judge pronouncing an order, certifying that the case is a fit one for an appeal. Some of the High Courts in India, like the Allahabad High Court and the Rajasthan High Court and others, have provided that such an application for leave to appeal must be made either before the judgment is passed or at the time when the judgment is passed.

Now, the parties are taken by surprise, and so also are the advocates. They never come to know when the judgment is going to be delivered. They cannot watch every day. Suddenly, one fine morning, judgment is delivered. The advocate may not be present there, or he may not be present at the headquarters at all, and the parties, certainly in the High Courts, are never local parties. They come from other districts. Even if the judgment is patently wrong, yet, the parties are handicapped and they are not allowed any time whatsoever to obtain the leave by virtue of this provision which is inconsistent with the provision that has been made in order 20.

Therefore, my suggestion is that when the hon. Minister is taking pains to make this legislation a very explicit and healthy provision of law, he should also see to it that the High Court does not make provisions contrary to the provisions contained in this law.

There is one thing more and I will finish. The provision with regard to pauper appeals has existed before; now also it is there except that the proviso has been taken out, some redrafting has been done and a sub-section has been added. I have always felt that this was a redundant provision even before and now I feel that this redundancy has been given some premium. If a man who has filed an appeal by merely paying court fees can have his appeal heard as a matter of right, if it is a first appeal, I see absolutely no reason why the appeal of a man who is appealing in *forma pauperis* is not to be heard. After all, the provision is very clear, namely, if he succeeds in the appeal, then the court fees will be recovered by the Government as a first party from whatever he is entitled to get. Therefore, there is no reason to draw this discrimination in the case of a man whose original suit is in *forma pauperis* and not allow the appellant to proceed with his appeal.

Mr. Deputy-Speaker: It is apparently because the chances of the pauper getting anything out of the suit have diminished.

Shri U. M. Trivedi: That may be one aspect. But the other aspect is, if his appeal is heard, there are chances that he might recover a larger sum and the Government will benefit. Both the ways are there. But I say that there should be no discrimination. An appellant who pays court fees has his appeal heard as a matter of right. The first appeal is always heard as a matter of right and the facts are gone into. But in the case of pauper appeals, it is not so. It is said here:

> "The Appellate Court, after fixing a day for hearing the applicant or his pleader .... and upon a perusal of the application and of the judgment and decree appealed from, shall reject the application ...."

The mandatory provision is "shall reject the application". Then the proviso is there:

> ".... unless it sees reason to think that the decree is contrary to law or to some usage having the force of law, or is otherwise erroneous or unjust."

[Shri U. M. Trivedi]

This is too much. This means that even if it is a first appeal involving a big sum of money, the poor man's appeal will not be heard simply because he is a pauper. That means you are putting a premium upon those who have got money at their disposal. Instead of helping those who are in penury, you are trying to put an obstacle in the way of those who want to succeed in getting what they are entitled to get.

The phrase "if the decree is contrary to law" means that you are relegating him to the position of a second appeal. Then there are the words "otherwise erroneous or unjust". He has not even had his preliminary hearing. Some judges are very impatient and do not want to listen. They sometimes look to the facts of the advocates and juniors do not count for them. But it is those juniors who would be engaged by such paupers. If it is Mr. Trivedi or Sardar Hukam Singh, the judge will admit it; but if Mr. Pataskar is appearing, the judge will not admit it. So, my humble submission is that this provision must be done away with and no discrimination should be practised in the court of law even if the appellant is a pauper.

Shri Tek Chand (Ambala-Simla): Mr. Deputy-Speaker, I share to a substantial extent the disappointment that has been expressed by some hon. Members who have preceded me, that there has been a niggardly approach to the amendment of the Civil Procedure Code. It is not a controversial matter at all, but all of us seem to have been agreed that the Code of Civil Procedure requires drastic changes of a very substantial extent. The law of procedure in any country is in the nature of a hand maiden to justice. The object of the procedure is to promote justice, not to hinder justice. But experience has shown that the Code of Civil Procedure substantially hampers justice with many clogging features. It is true that justice is denied when it is delayed. But, I am willing to consider that justice is also crushed when it is rushed.

Because of the fetters and manacles that the procedural law of our country imposes upon the parties, the witnesses and the courts who are there to administer justice, their efforts are retarded to a notable degree. Therefore, it would have been a lot better that the members of the Law Commission who are about to examine it should have, after they had examined it thoroughly, made their recommendations as to the substantial changes that had to be made. However, to the extent the amending Bill contributes towards resolving some of the difficulties, I offer my felicitations to the hon. Minister.

I do not agree in totality with the changes that are sought to be brought about and are incorporated in the Bill. Most of them are laudable, but in certain cases there are some objectionable features, which ought not to be there. Dealing with some of the salient changes that are sought to be introduced, I shall offer my comments.

In this connection, a reference has been made to section 35, sub-section (3) which, according to clause 3 of the Bill, is to be omitted. Not that I have usurious propensities, but I do not like this provision. It is true that there should not be any profiteering by the people; I concede that, but there are instances when the costs amount to five figures or more and there is no reason why, when an unsuccessful party is subjecting the successful party not only to a long dilatory and unending dispute, but also frivolous and vexatious litigation whereby he is out of pocket to the tune of several thousands, the law or the legislature should be so solicitous that such a person should not pay interest, if he does not propose to pay or if he intends to delay the payment of the costs. One unfortunate and unhappy feature of administration of civil law in our land is, apart from delays and objections of frivolous and vexatious nature, justice is made available, if at all, at a very high and exorbitant price.

You may remember the well-known words of the Magna Carta whereby the King of England promised that he would not sell justice. Today justice is being sold at a very heavy price. I do not mean that Justice is being sold in an obnoxious sense. But, everybody who has to knock at the door of the law court to seek justice has to pay a very prohibitive court fee. If you happen ever to visit Paris, and there if you happen to go to the Hall of *Justice-Palais du justice*—the first thing you will find inscribed at the entrance hall is "Le justice est gratuit" Justice is gratis. No charge is being made by the State for administering justice to the litigants. But, as my hon. friend who preceded me remarked, there is hardly a State in which laws are not being passed enhancing the court fees. Every litigant is being told that he has to pay so much court fee. Not only that. There is hardly a High Court in this land of ours which does not insist that record of every first appeal must be translated into English and must be printed in the form of a paper book and the cost of printing a paper book is very heavy. All these costs are being incurred by the successful party. If he happens to be the plaintiff, he has also got to pay a heavy court fee. After having incurred these costs justly, after having got a decree of the court, the defendant can evade payment and yet, the law will not visit him with the extra penalty of a very mildnature of imposing interest at 6 per cent. The law as it stands today gives complete discretion to the court. It does not make it obligatory that interest must be imposed. What the present law says is, the court may give interest on costs at a rate not exceeding 6 per cent per annum and such interest shall be added to the costs and shall be recoverable as such. My submission to you, Mr. Deputy-Speaker, is, here is an innocuous measure whereby discretion is given to the court. You know by experience also as most lawyers have that experience, it is in very rare cases that courts award interest on costs. It is only in exceptional cases. There is no reason why we should be so solicitous or tender-hearted about a person who has caused his opponent, the successful party, to incur so much expenses, and why such a person should not be made to pay interest on costs if the court, in view of the entire circumstances of the case, considers it expedient. That discretionary power of the court ought not to be taken away.

I next take up clause 4 which deals with the proposed amendment of section 35A dealing with compensatory costs. I do not see if the hon. Minister has really scored substantially by bringing about this amendment. All that he has done is to make the whole matter improperly elastic, improperly flexible. The law as it stands at present, to my mind, is more appopriate and no change ought to have been brought about.

So far as clause 6 is concerned, I am very happy that the hon. Minister has brought about a necessary change in section 60 with respect to maintenance decrees. I do not agree with my hon. friend who has just preceded me that that change ought not to have been brought about. Here is some one, may be a husband, may be a father, whose duty it is to maintain his dependants and he does not discharge that duty, a duty which is imposed upon him not only by the civil law of the land, but by all laws of ethics and morality. He is in the enjoyment of a salary, a good salary, may be a fat salary. But, he is depriving his child or wife of their

[Shri Tek Chand]

maintenance. It is not proper to say that to the extent to which he is called upon to maintain, his salary should not be attached over and above one half of it. It is a very desirable measure that the hon. Minister has introduced and I lend to him my full and unreserved support.

A considerable amount of controversy rages over the original clause 5. There is, as has been brought about by several hon. Members and admitted by the hon. Minister, a sharp conflict in the view-point of several High Courts in our country. Bombay leads with one view; Calcutta leads with another. It is not for us to express our preferences though in suitable cases, we should and we can. Speaking for myself, I feel that the view of the Bombay High Court is more just and in consonance with the dictates of justice as much as it is in accord with logic. Maybe, the Calcutta view, for good reasons may be deemed sound. But, if there is a sharp conflict, we will be shirking our duty not to step into the breach and resolve the conflict by either accepting one view or the other whichever commends itself to the House to be just and also by suggesting a *via media*. It will be an unhappy state of affairs as the hon. Speaker observed a short time before you were pleased to honour the Chair, that it may be a case where the defendant has properties scattered over in more States than one and according to the view of one of the High Courts where the property is, it is attachable and according to the view of another High Court where another parcel of property is situate the decree is void. Therefore, when the matter cropped up before the Joint Committee, there was a consensus of opinion that this conflict should be resolved. I think it is Shri H. G. Vaishnav's note of dissent which, in a very clear and cogent language, has given very useful suggestions. You will find the relevant portion of his note of dissent beginning from the bottom of page 7 going on to the top of the next page.

He says:

> "In order to avoid further confusion and complications I am of opinion that the original clause 5 of the Bill be retained with a further proviso that such an *ex-parte* decree holder should be allowed to file a fresh suit on the same cause of action, the period between 26th January 1950 and the commencement of the C. P. C. (Amendment) Act being excluded for the purpose of limitation."

He says:

> "This would keep the remedy open to the *ex-parte* decree holder instead of leaving him in lurch."

I find myself complete agreement with these observations. To a similar effect is the amendment of Shri Sadhan Gupta which also substantially reproduces what is said in the note of dissent. Either of the ideas suggested deserves to be adopted and the matter must not be left in the lurch in any case, especially so when there is a sharp conflict.

Then, section 133 has evoked a certain controversy. No doubt in the new type of society which we are trying to evolve, class distinction ought to disappear. The privilege of rank ought to be there. Unfortunately, to a certain extent they are necessary and unavoidable. One good feature of section 133 as amended is that the matter is not left in doubt. The law as it stands at present leaves it to the State Governments by means of a notification in the Official Gazette to exempt certain classes of persons and to confer upon them the privilege of exemption or immunity from attendance. It is a good feature that the immunity to a limited extent from the process of law is going to be of a uniform character. Whereas on the whole I agree with the list, with respect to two classes I am a little diffident. I do not like that the Ministers of the States should enjoy immunity. Nor am I enamoured of similar immunity being enjoyed by the Judges of the High Courts. If they are to appear as witnesses, by virtue of their status their testimony, after having been deposed to and after having been subjected to cross-examination, is bound to be a very substantial feature in determining the fate of the case. Why should not the citizen see that the highest in the land can step into the witness box and make a deposition and face the music of the cross-examiner when you are allowing the exercise of the same right by means of interrogatories on commission? But be that as it may, on this point perhaps I will not enter the lists against the hon. Minister but I do wish to invite his attention to a class mentioned under clause 12(1) (xi), that is the persons to whom section 87B applies, that is the ex-Rulers.

There is no reason whatsoever why they should be permitted to balk at the proceedings, why they should be allowed to enjoy the immunity from jurisdiction which they no longer should. The only reason was that in their small States they happened to be sovereigns, but now that they have become like any other citizen, that immunity ought not to be extended to them. And I say so out of experience, because I do know that there are small States; most of them have been borrowing small amounts of money running into thousands, executing promissory notes, and when the unfortunate creditor institutes a suit, the answer is: "I enjoy immunity of jurisdiction, I can snap my fingers at the process of the court and refuse to enter the portals of the court." I do not see any reason why such persons should enjoy that immunity which is being conferred.

Shri A. M. Thomas: Are such persons given immunity?

Shri Tek Chand: The persons to whom section 87B applies, and they happen to be the persons to whom the section applies.

Lastly I wish to make my comments, on Order XXV, that is clause 14, on which a short but very lucid note of dissent has been attached by my hon. friend Shri C. C. Shah. The new provision is that the court is at liberty to compel the plaintiff, on the application of the defendant, to furnish security for costs. To my mind, it is unthinkable. Here is the plaintiff who pays the appropriate court fee and then enters the portals of the court and has seemingly get a just cause. The defendant tries to stifle him by saying that he is a doubtful sort of character in the matter of finance or financial stability and therefore asks the court to compel him to furnish security for the costs. When the court compels him to do so, it is being assumed that he will not be in a position to make out his contention and *prima facie* the defandant's contention seems to be sound. That is virtually prejudging the issue. The law as it stands, and which is reproduced in the amendment also, is sufficient warranty against those types of plaintiffs who have no property in this country, who do not stay in this country and who may not be able to honour the commitments of the defendant in the event of the plaintiff losing in the litigation. The only commitment of the defendant will be costs, which in all cases, as you very well know, are much less than the costs incurred by the plaintiff, because the defendant has not to pay any court fee. To say that the court is at liberty to impose such a condition upon the plaintiff before his suit matures into a decree,

[Shri Tek Chand]

to my mind, is absolutely uncalled for. It is an attempt to strangulate and stifle the process of law and the plaintiff is being fettered and further restricted in the way of getting justice. He might be told: "You have got to pay court fee to the Government. You have got to pay diet money to the witnesses. You, of course, have got to pay your counsel's fee. You have also got to furnish now, before the fate of your case is decided one way or the other, security in case you happen to be unsuccessful"—and the whole thing at a time when the court can have no idea as to the extent of the cost that the defendant is going to incur. By the time summons are issued to the defendant, he comes out with an application under this provision requesting the court that the plaintiff should furnish security for his costs. And the costs we do not know. We do not know how many witnesses he is going to to lead, how many documents he is going to summon, how many commissions are going to be issued. The court will glibly turn round and say before I get justice, though I may have paid every other commitment, that I have also to furnish security as the defendant must be sure about his costs in case I lost the case. I feel that it is rather an unhappy amendment and I hope I will be able to prevail upon the hon. Minister to drop it.

With these comments, I offer my congratulations to the hon. Minister on such changes as have been introduced which proceed towards making justice easy and less dilatory.

Shri Kasliwal: As the last speaker Shri Tek Chand, mentioned, a lot of controversy has raged round the original clause 5, but it seems to me that all the four speakers who preceded me must have opposed one way or the other the deletion of clause 5.

At the consideration stage last time I was one of those who strongly opposed the inclusion of clause 5, and I gave certain reasons. What is really the object of clause 5? Virtually, the object of clause 5 was to revert back to the original position, the position as was obtaining prior to 26th January, 1950. The decrees that were passed in the Native States or in British India were foreign decrees for matters of execution in British India or in the Native States.

After 26th January, 1950, that distinction was abolished. Now, if you are going to have this particular clause inserted in the C. P. C. the position will again be the same as was before 26th January, 1950. During the course of these 7 years, thousands of decrees have already been executed and there are thousands of other decrees which are in the process of execution. How can you stay the execution of those decrees? Then, there may be cases in which the law of limitation has come into operation and claims have become time-barred. These are the three major objections which I had raised to this clause 5.

The speakers who have preceded me, though they indirectly mention that clause 5 should be retained, are of the view that there is a conflict of judicial decisions on this particular matter, one opinion being that of the Bombay High Court and the other that of the Calcutta High Court. It is for the Joint Committee to have set at rest this conflict of judicial opinion by embodying its own views in the report.

I respectfully submit that there are innumerable instances in the country where there is conflict of judicial decisions. I will give one single example. Take section 27 of the Indian Evidence Act. Almost every Indian High Court has held a separate view of its own and yet no such Bill has come before the House in which it has been asked that section 27 of the

Indian Evidence Act should be rectified or modified or that the view of a particular High Court should be embodied in it. The hon. Minister himself said that when the matter goes to the Supreme Court the Supreme Court itself will possibly decide whether the Bombay High Court's view should be upheld or the Calcutta High Court's view should be upheld.

Shri Sadhan Gupta questioned the deletion of this on the ground of logic and common sense. I respectfully submit, is it logic and commonsense to revert back to the same position which we had 7 years ago? It is not easy and it cannot be easy especially because it is now definitely made applicable to Indian States also that decrees will not be executed after 12 years. This was not the case before so far as the native States were concerned. That is also a point of view which has to be taken into consideration and so far as the deletion of clause 5 is concerned, I strongly support whatever the Joint Committee has done.

With regard to clause 3, I cannot put my view in better words than what my friend Shri Tek Chand has said. I do not see any reason why interest on costs should not be paid to a successful litigant. Shri Tek Chand and also Shri Raghavachari, who has appended a minute of dissent, ask that where there is a defendant who adopts dilatory tactics and refuses to pay why he should not be saddled with interest on costs.

I will refer only to two more clauses. One is clause 13. I was one of those members who opposed clause 13. It is really meant to take away the revisionary powers of the High Court in civil matters. I am very glad that clause 13 has been deleted by the Joint Committee. After all, what do the High Courts do? The High Courts do not intervene in revisional matters so far as civil cases are concerned. But, we, as practising lawyers, know that once a revision in civil matters is admitted, you may take it for granted that more or less that revision application would be accepted. I am very glad that the Joint Committee has been of this view.

With regard to clause 14(6), I am of the same view as Shri Tek Chand and the note of dissent which has been appended by Shri C. C. Shah. After all, why should a plaintiff be saddled with costs in such a matter? If the court is of the view that there is reason to believe that the suit which has been filed is either frivolous or vexatious, surely, under the ordinary procedure, it can ask the costs to be deposited in court beforehand. I do not see any reason why this clause should have been there. I do not know whether the Joint Committee has applied its mind to this matter. I would request the hon. Minister to see that clause 14(6) is omitted.

Shri Barman: (North Bengal—Reserved—Sch. Castes): Sir, some comments have been made on the deletion by the Joint Committee of original clause 5 of the Bill. What has been written on page iv of the Report is criticised. The point is, in the Report it has been written that uniformity throughout India as regards the procedure about execution of decrees that were passed before the 26th January, 1950, is neither practicable nor desirable. This has been very seriously criticised by the first speaker, Shri N. C. Chatterjee.

Though the first four speakers wanted the retention of the clause, at the same time, they wanted some amendment to it. So, they do not really want that. The only amendment that has been tabled before the House is that of Shri Sadhan Gupta. He also has added another sub-paragraph so that it may conform to the view he holds. The note of dissent of one hon. Member, Shri Vaishnav also wants something to be added to the original clause. The first point that has been made is whether it is desirable for this House to make uniformity in this respect.

[Shri Barman]

It is not that there is no uniformity about this law in this respect in India. There is one Civil Procedure Code that applies throughout the whole of India. There is no doubt about it. The point is that different High Courts have given different interpretations to the same law. So it is not a question of bringing uniformity in the law. The question is whether this supreme legislature should interfere with the decisions of the different High Courts and then strike out some *via media* or whether it should stick to one decision. It is not as if this Legislature is in any way hesitating to bring uniformity in law. The only question is whether this Legislature should interfere and where the High Courts have differed, put in their own interpretation to that law.

As the previous speaker has remarked, there are so many instances where High Courts have given conflicting judgments. It is not as if it is the duty of this supreme Legislature to jump in at once and put in their own interpretation in that respect. There is something more in it. It might have been desirable just when the occasion arose first, that is, after the 26th January 1950 on the first occasion when two High Courts differed about the interpretation of the application of section 39 of the Civil Procedure Code. But this Legislature did not interfere at that time. It has been stated that justice delayed is justice denied. In a way it comes to the same position considering the circumstances in this particular case. For long, for more than five years this Legislature did not interfere and India has practically been divided into two blocks, one block holding one view and the other block holding a contrary or contradictory view. Thousands of cases have occurred in which decisions of these High Courts have differed.

It is now for consideration of this House whether if we lay down one procedure for the whole of India, injustice will be done to anybody or not. If we find that no injustice is going to happen to anybody or that there can be some convenient method or convenient law by which the apparent injustice that is going to be perpetrated on some can be remedied, the case would be otherwise. The matter was debated at length in the Joint Committee of which I had the honour to be the Chairman and after long deliberations it was decided almost unanimously with the exception of a very few that we should not interfere in this matter.

In the case of endorsement this question does not arise at all. It is only in the case of *ex parte* decrees that the problem arises. It can be said, as the amendment here has suggested, or as the dissenting note of Shri Vaishnav has suggested, that in the case of decrees which are apparently time-barred, let there be some cessation of running of the limitation time for a certain period. In one case it has been suggested the period between 26th January 1950 upto 60 days from the passing of this Act be excluded. In another case it has been suggested by Shri Sadhan Gupta that the time when the suit was filed since 60 days after the passing of that Act be excluded.

Now it is very easy to lay down any law which you like. But you must see what the consequences of it will be. Suppose a decree has been passed, say, ten years before the 26th January 1950. That decree was subsisting provided it is a decree for which limitation runs up to twelve years. So long as the decree holder has got an *ex parte* decree, it is within his rights to file a suit in that foreign court. But he did not do that. Perhaps there was some defect or there was no defect but he did not file the suit. Now we ignore the time and allow him to file a fresh suit. What would be the effect? Supposing after 13 or 15 years the original judgment-debtor according to that *ex parte* decree has died. It is a suit on certain documents which are not registered—may be some accounts. He is dead. His successors and legal representatives are there. His successor might be a very young boy. Now, if a suit is to be filed against him as the legal representative of the judgment debtor, it would be very easy for that man to pass a fradulent decree. I take it that it might be the case of a fradulent decree. There may be such cases as has been mentioned by some of the hon. Members. If they are given the right, it would be absolutely impossible to contest the correctness of the suit. This is one hard case and there may be hundreds of others. There may be some cases in which the decrees have already been barred. According to some High Courts—the Calcutta High Court or the Allahabad High Court—the decrees are already barred. The judgment debtor, who had some property, had disposed of that property and the purchaser has in good faith purchased it. Now, to make a uniform law, you give him the right so that he can pursue the decree and realise the decreed amount. Now, those decree holders who knew that the decree is barred, they did not pursue the judgment debtor because it was a decree of a foreign court. Now they are given a right. But they have no means to realise the amount or execute the decree successfully. So, in either case, if you change the position and if you conform to the law which has been upheld by the Calcutta and Allahabad High Courts, you are doing injustice to thousands of persons who had all these five years been guided by the Bombay High Court and other High Courts that followed suit. Similarly, if you make it a uniform law by conforming to the decision of the Bombay High Court, you do injustice to those who are guided by the Calcutta and the Allahabad and other High Courts. That is another difficulty.

But the main point that the Committee considered was whether this Legislature should come forward with its own interpretation of the law in a matter which has been differently interpreted by different High Courts.

In the select committee, we wanted to know how many decrees were subsisting. There may be very few. I don't know. Nobody could inform us. Neither could the office give us any statistics as to how many cases are pending and what the nature of the cases are. But we were given the impression, as I told you, that one or two decrees involving very large amounts were subsisting. We thought, Sir, that rather than allowing the decree holder to pursue afresh the judgment debtor or his representative, the decree holder should be left with a chance under existing state of things. He might be a big judgment decree holder. He can go to the Supreme Court and have it settled there. That was the view of the majority of the Members of the Committee. As my hon. friend Shri Kasliwal has given the reason for it, I think this House may well consider the view of the Select Committee and pass their judgment thereon.

I personally oppose the amendment that has been tabled by Shri Sadhan Gupta, because it would create hardship in many cases. If you want to make it uniform throughout India, there will be anomalies all over the country. I oppose the amendment.

Shri H. G. Vaishnav (Ambad): Mr. Deputy-Speaker, Sir, much has been said by the previous speakers regarding revision of Clause 5. I am one of those who cannot agree with the deletion of Clause 5 which was originally provided. I see the Government had well thought to explain the position by introducing Clause 5 in the original Bill, in view of the various conflicting rulings of the High Courts. As I have stated in my Minute of Dissent, there are six High Courts which interpret that such decrees are executable. They can be executed. On the other hand, there are four High Courts which say that *ex-parte* decrees passed by an Indian State or passed by any other court in India to be executed in Indian States are not executable and the provision of Clause 3 of Article 261 of the Constitution was interpreted in a different way. Before going into the merits of this question, I think it is very important and essential that

[Shri H. G. Vaishnav]

Article 261, Clause 3 of the Constitution should be well thought over. It is provided in that Article that decrees passed by any courts in the territory of India are executable in India within any province. That is the salient feature of it. But the four High Courts say that the decrees passed prior to the Constitution are not executable. It cannot be said that those decrees have been passed by the Courts within the territory of India. It is said that Indian States were quite independent and they had their independent courts and their territory was not taken to be the territory within the jurisdiction of India, though the position seems to be very anomalous; but that legal position is still there. It is with this object, and to remove the conflicting authorities of the six Courts that this provision of Clause 5 was made. Of course, decrees may be made executable or may not be made executable. But there should be a decision which should be taken uniformly. However, litigants, in this respect are left to the sweet will and interpretation of various High Courts. We cannot say as to which High Court is correct and which High Court is not correct. We are not to comment over the judgment of the High Courts. But, when we see this anomaly, is it not proper for the House to see that the anomalies are removed and a clear interpretation is given to Article 261, Clause 3 of the Constitution, as well as about Section 39 of the Civil Procedure Code? It is with this idea that Clause 5 was inserted by Government, in which it was stated that decrees passed prior to the Constitution was made applicable to Indian States and decrees passed by those Courts in the Indian States should not be sent for execution under Section 39. That was clearly provided. I mentioned at that time in the Select Committee about this negative aspect. No doubt decrees will not be executed and the various conflicting rulings will be set at rest by this amendment to clause 5. But, what is to be done in respect of decrees which are passed by courts in Indian States before the 26th January, 1950? Of course, it was essential for the Government to provide remedy for such decree holders. That remedy should be provided. What I want to say is that, that remedy should be just and proper. Nothing should be left for any wrong or conflicting interpretation. There should be remedy under section 39. My submission is that some remedy should be provided for those decree holders for getting their decrees executed and that remedy should be provided without any hardship. If it had been provided in Clause 5 that decrees passed by the Courts in the Indian States could be executed, that would have been a sweeping provision. If such decrees are made executable, such a provision would have been certainly against the provisions of international law. Therefore, it should be provided that while such decrees are not executable, some remedy should be there about these decrees. That is why many amendments were submitted. I had given an amendment that Clause 5 of the Bill may be retained and there should be a proviso to the effect that, while the decrees are not executable or they should not be sent for execution under Section 39 of the Civil Procedure Code, there should be this provision and remedy given to the party. This should be the proviso which I had suggested in the Select Committee. Discussions had taken place. But at the end, the whole clause was deleted and the parties were left in the lurch. The proviso I had suggested was: "Such a decree holder may file a substantive suit on the basis of the *ex-parte* decree and in computing the period of limitation, the date between the 26th day of January, 1950, and the date of enforcement of this amendment shall be excluded."

So, this would have been a just provision in the sense that remedy would have been provided to the decree holder, while as to the defendant against whom the *ex-parte* decree was passed, the whole suit could have been agitated by him by filing written statement and so on. If the plaintiff was correct in the eye of law, certainly he would again get the decree against the defendant, and if he could not establish his case, he may lose it. But not to provide any such remedy at all and to say that the decrees passed by courts within the States prior to the Constitution are not executable, is really a great injustice. Some learned friends have quoted that decrees were passed *ex parte*, without the court fees having been paid, without the matter having been fully investigated and so on. If that is so, it is not the fault of the plaintiff that the defendant remained absent—the defendant against whom the evidence was led. Whatever evidence was led, was led in the court and the decree was passed. Does it mean that the court which passed the decree has done it illegally or wrongly? According to procedure current then, the court was quite correct in passing the decree. But to give too much support to the defendant, because he remained absent and did not submit himself to the jurisdiction of the court, and the decree is made unexecutable, would mean shere injustice to the decree holder. Therefore it was thought after proper and due consideration that the decree, though not made executable, should be left in such a way that still a remedy could be provided to the plaintiff to file a fresh suit against the very defendant who may contest that suit to the fullest of his capacity. I think that was a salutary provision which was greatly discussed in the Select Committee but somebody at the last moment suggested that the provision should be deleted and was done accordingly. I think this was the most appropriate provision. Not only that, it is the business of this august House that when six High Courts differ and give one ruling, interpret the law in one way, and four High Courts interpret law in another way, this House should give what is the correct meaning of the law. It is for the Supreme Court or the High Court to interpret, but here it is a question of making a provision. Interpretation is only for the Courts. So far as clause 5 is concerned, there is no question of interpretation. It was stated that the decrees are not made executable. Coming as I do from Hyderabad, I know the tremendous difficulties the people had to face in acquiring the decrees, and later on if they were not to be executed, the decrees in reality were quite useless.

Shri Barman: They could have filed a suit in the proper forum.

Shri H. G. Vaishnav: It is for the plaintiff to choose his own forum. The suit cannot be filed at the sweet will of the defendant. It is for the plaintiff to decide his forum, where the evidence is available, where the cause of action arose, where the evidence can be led at his convenience and so on. If it is correct according to law, the defendant cannot say that the plaintiff has selected a wrong court, that the decree cannot be made executable and so on.

My submission is that that will be too much for the defendant to say. Without injuring the interests of the defendant or the judgment-debtor, so called, this remedy of fresh suit would be very appropriate if it had been provided that decrees passed by the courts within the Indian States are not executable under section 39, and this proviso could have been added that on the basis of that decree, a fresh suit can be filed. Of course, the question of limitation would arise. But this is not the fault of the plaintiff or the decree holder, and this question arose after the Constitution was made applicable to the States, some courts said that the decree was executable and some said that it was not executable. My submission is that it was quite correct for this House to put in some provision and do away with this anomaly. That is why I have given a long dissenting minute. I think this provision should be accepted. When this Bill was before the Select Committee, opinions of the States were called for, and I have seen that the majority of the States were for this provision excepting

[Shri H. G. Vaishnav]

three or four States which said that there should not be such a provision. But various Bar Associations, various courts, various provincial legal authorities and others have opined in this respect, namely, that there should be some such provision as this, and they have suggested that if clause 5 provides not to make the decrees executable, then there should be some provision or remedy awarded to the decree holder to see that the decrees are made executable by way of a fresh suit being filed against the defendant. Various legal authorities, various High Courts and various other Bar Associations have given opinion in favour of this amendment. I do not see any reason why this provision should be deleted all of a sudden, particularly when it was provided by Government themselves.

My humble submission to the Minister of Legal Affairs is that he should really try to do away with this injustice done to the parties, and see if anything can be done by way of providing a remedy, just as I have suggested, that is, while accepting the principle of the original clause 5, this remedy should be there that he can file a fresh suit; of course, the period of limitation which would come in his way should be condoned because that is a legal act, because it has suddenly arisen not due to the fault of the parties. Some such provision must be there, and my submission is that the hon. Minister of Legal Affairs would consider this aspect.

With regards to the other amendments, I have not to say much, but the salutary principles of the amendments are very clear. For instance, in clause 6 the principle of *res judicata* is made applicable to the execution proceedings. Certainly it is essential. There were also some authorities speaking against this. Therefore, to put the point at rest, this provision has been made. So also about auction purchaser, there are conflicting rulings, and some High Courts say that the auction purchaser is not a party and should not be taken to be a party to the suit. But now in clause 6 that point is made clear and he would be taken to be a party to the suit. These amendments were essential because there were various interpretations, and so also taking the constitutional authority, clause 5 together with the proviso I had suggested would have been very appropriate. In view of this my submission is that the clause 5 in the original Bill should be retained with the proviso which I have stated just now.

15 hrs.

Shri Pataskar: I am happy to note as I already stated, there has been considerable discussion in this House only with respect to the deletion of clause 5, and as hon. Members will find from the remarks that I made with regard to the deletion of this clause, I tried as fairly as I could to put both points of view before hon. Members of this House. We first thought that we should have something in the nature of clause 5, but ultimately, the Joint Committee, after prolonged discussion thought that probably making any change in the legislation at this stage would not be of any great use or would not be the right thing to do. Well, there are certainly difficulties and hardships in both. As hon. Members are aware, there is the High Court of Bombay which has held that such decrees could be executed. What must have happened is that during the last 6 years or so, probably, there are many decrees which are already executed. If we really want to lay down something new, naturally it cannot be with retrospective effect and we will have to leave untouched those decrees which have been executed and we rather prefer the other view held by the Calcutta and Allahabad High Courts. There might be many difficulties on account of the decision of the Bombay High Court and certainly there are decrees which are at the present moment pending execution, and I do not think that we are left with any remedy or we have suggested any remedy which we can, as a matter of fact, follow.

Then, similar is the case with respect to those States where the High Courts held that the decrees are not executable. Then my hon. friend Shri Vaishnav and certain other friends suggested that in such cases, when we say that such decrees could not be executed, then we might provide some extended period of limitation, so that after all that period those people may again file suits. I do not know how far that also would be the right thing to do, because even as the laws stood then it was open to any decree-holder, even if he succeeded in obtaining an *ex parte* decree to file a suit in the British Indian States. My hon. friend Shri Vaishnav comes from Hyderabad State which adjoins my state and I was going there at that time in my capacity as an advocate and as there were large claims, I naturally advised the clients to file suits in the adjoining court in the then British India. So in respect of claims generally, it was possible. Probably, it may be that in certain cases it was no doubt open to the defendant if he was stationed in British India to file a suit in a native state and perhaps he kept quite. So there is difficulty in whatever we do, and ultimately I must say not that the Joint Committee has not paid any attention to it, but it is impossible to devise anything which would suit all the states; it is quite possible that it may affect some people adversely, whether they are debtors or creditors. defendants or plaintiffs. This is not possibly a matter where according to our own theoretical ideas we can make any change in the legislation and I have personally come to the conclusion—though I was naturally responsible for putting in that clause—that in view of the fact that so many issues have lapsed after the introduction of the Constitution, it would only increase litigation if we allow fresh suits to be filed. Further it is likely to create all sorts of complications. As recently as in 1955 the Allahabad High Court has given its own decision and has very extensively considered the several issues which have been discussed by other High Courts. I tried to ascertain whether, as a matter of fact, any appeal is pending anywhere, but it is very difficult to get any accurate information on a point like this. So far as I have been able to gather, I do not think that there is anything pending in the Supreme Court, but it is just possible that there may be some cases pending there. I think it is just as much the work of the Supreme Court to take salutary action when the matter comes before them and when different views have been expressed by the different High Courts. Further we are not quite sure, and we feel that complete justice cannot be done by accepting any of the two views; I do not think that we should try to legislate in a matter like this. Having heard the speeches of hon. Members, I find that there are two groups, *i.e.*, one that feels justified in the deletion and the other that it should be retained. Therefore, I am inclined to think that in spite of the fact that we ourselves at a stage wanted to make a provision as we did in clause 5, I think it is best to delete this clause. This is not a matter which is likely to arise again here.

With regard to the remarks of my hon. friend, Shri Trivedi, he seemed to suggest as if the Bombay High Court probably has been passing a number of decrees *ex parte* against the unfortunate people who were residents of former Indian States, but the figures supplied to me tell exactly a contrary story. As a matter of fact, from the information that I have got, I find the number of decrees passed by courts of law in the former Indian States such as Rajasthan, Madhya-Bharat etc., pending execution in Bombay come to 1,104, which is a very large number, whereas the number of decrees passed by courts in India pending execution in territories of former Indian States, so far as Bombay is concerned, is only 237. I find the hon. Member is not here but

[Shri Pataskar]

the facts disclosed give an entirely different state of affairs. Having been responsible for introducing clause 5, I am myself inclined to accept the other view of the high courts. There is nothing to differentiate between one high court and the other and this charge made seems hardly justified by the facts I have just disclosed.

I think there is hardly much criticism with respect to the other provisions. Of course there was the general criticism that this is not what amounts to a overhauling of the whole code. As I have been repeatedly saying, it is not the object with which this Bill has been brought forward. All the same whatever little could be done within the framework of the present code has been attempted to be done by the Bill which has been brought forward. It is much better to wait for the overhauling of the whole system of civil administration till the Law Commission, after an exhaustive enquiry, makes its report. It is not because we are not keen on seeing the administration of civil justice made cheap, speedy, etc. The fact remains that the first Civil Procedure Code was passed as early as 1859. Since then, this system has been there for almost a hundred years. If it is to be overhauled, it cannot be done without due regard to the various factors involved. A system of judicial administration which was not previously known in our country came to be introduced in 1859 and it has been in operation in one form or another. It has undergone some changes; it has been changed about thirty times; some minor amendments have been made. Naturally, procedure is a matter in which changes are inevitable because the conditions which existed in 1859 do not exist in 1956. So, some changes have to be made when ideas in justice also undergo so many changes. From that point of view. this attempt has been made to improve the present procedure consistent with our present ideas on what ought to be done. It is not with a view to shirk our responsibility in the matter of overhauling the whole system of civil administration to make it cheap, speedy and efficient also that we have brought this.

There were so many appeals etc. pending in the different High Courts. We are aware of it. But, the problem cannot be solved merely by amending the code. There are other matters with which it is connected.

I am glad that so far as the present Bill is concerned it has been accepted by a large section. The omission of clause 5 had been thoroughly discussed. Probably some hon. Members do not like it or some other provisions here and there but the Bill as a whole has been welcomed by the House and I hope that it would be acceptable to the House.

Mr. Deputy-Speaker: The question is:

> "That the Bill further to amend the Code of Civil Procedure, 1908, as reported by the Joint Committee, be taken into consideration."

The motion was adopted.

Mr. Deputy-Speaker: There are no amendments to clauses 2, 3 and 4. I shall put them to the vote of the House.

The question is:

> "That clause 2 to 4 stand part of the Bill."

The motion was adopted.

Clauses 2 to 4 were added to the Bill.

Mr. Deputy-Speaker: There is an amendment No. 6 for the insertion of a new clause—clause 4A in the name of Shri Sadhan Gupta. But, he is not in his seat. So, I shall put the other clauses also to the vote of the House.

The question is:

"That clause 5 stand part of the Bill."

The motion was adopted.

Clause 5 *was added to the Bill.*

Clauses 6 *to* 11 *were added to the Bill.*

Mr. Deputy-Speaker: There is an amendment to clause 12—No. 3.

Amendment made:

Page 3—

for lines 21 and 22, *substitute*:

"(vi) The Governors of States and the administrators of Union territories;"

—[*Shri Pataskar*]

Mr. Deputy-Speaker: The question is:

"That clause 12, as amended, stand part of the Bill."

The motion was adopted.

Clause 12, *as amended, was added to the Bill.*

Clauses 13 *to* 16 *were added to the Bill.*

Mr. Deputy-Speaker: There is an amendment to clause 1.

Amendment made:

Page 1, line 4—

for "1955" *substitute* "1956"

—[*Shri Pataskar*]

Mr. Deputy-Speaker: The question is:

"That clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1, *as amended, was added to the Bill.*

Mr. Deputy-Speaker: There is an amendment to the Enacting Formula.

Amendment made:

Page 1, line 1—

for "Sixth" *substitute* "Seventh"

—[*Shri Pataskar*]

Mr. Deputy-Speaker: The question is:

"That the Enacting Formula, as amended, stand part of the Bill"

The motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

The Title was added to the Bill.

Shri Pataskar: I beg to move:

"That the Bill, as amended, be passed."

Mr. Deputy-Speaker: Motion moved:

"That the Bill, as amended, be passed."

Shri Mulchand Dube (Farrukhabad Distt.-North): I welcome this Bill. My first reaction on reading the Joint Committe's report was that clause 5 should not have been deleted. I have, however, since revised my opinion and have come to the conclusion that it is for the best that clause 5 has been deleted because the law at present is settled in States under the various High Courts even though there are conflicting views so far as the High Courts are concerned. In this state of affairs the principle of State decision comes into play and it is best that *Status quo* should be maintained.

I have not found myself in full agreement with the abolition of interest on costs. My opinion is that in cases where the defendants have succeeded in protracting the proceedings and putting the decree-holder to heavy costs, there does not seem to be any justification for depriving the decree-holder of the interest on the costs. Probably, the Government had in view the case of professional money-lenders only and then, in order to penalise them, and also to save the judgment debtors, they have done so. It is not always that professional money-lenders get decrees against poor and indigent persons. There are other persons also who occasionally lend money and are

[Shri Mulchand Dube]

harassed by debtors by protracting their proceedings by false and frivolous pleas. I feel that the hon. Minister may think over this matter and, if possible, the law should be suitably amended.

I am in full agreement with Shri U. M. Trivedi in regard to panper appeals. The poor people who are unable to pay the court fees should have the same rights to prefer appeals as other people because after all there is a provision in the Act itself, that if they succeed the court fee will be charged on the fruits of the decree according to law.

In regard to the other matters, I find myself in agreement with the Bill, as it has been passed, and I support the Bill.

Mr. Deputy-Speaker: The question is:

> "That the Bill, as amended, be passed."

The motion was adopted.

MANIPUR (VILLAGE AUTHORITIES IN HILL AREAS) BILL

The Minister in the Ministry of Home Affairs (Shri Datar): Sir, I beg to move:

> "That the Bill to consolidate and amend the law relating to the constitution and functions of Village Authorities in the hill areas of the State of Manipur, be taken into consideration."

This Bill goes a further step towards the democratisation and also the rationalisation of the administration of the Manipur State. Last year, this House passed a Bill known as the Manipur Courts Bill, whereby a whole hierarchy of civil and criminal courts was introduced in the Manipur State even in the hill areas of this State. But, it was considered that in respect of certain offences, suits, etc., judicial powers should be conferred on what were known there as village authorities and what are known ordinarily in the rest of India as village panchayats. Therefore, after having the Manipur Courts Bill passed, the present Bill has been brought forward for the purpose of the establishment and also the composition of what are known as village authorities in the hill areas of Manipur State.

May I point out to this hon. House that a very large portion of the Manipur State is hilly. The total area of the whole State of Manipur is 8638 square miles and the population is 5,77,000. Out of this, as much as 7938 square miles—that is about seven-eighths of the whole area—form the hill area. But the population is not so great; it is only 1,94,000. In these hill areas there are small and a few big villages, though not very big as those in other parts of India. The total number of these villages is 1,300. So far as these villages are concerned, they have got a system—a sort of government, though not exactly self-government—of government according to which the chief of the village is hereditary and the post, therefore, passes on hereditarily. In respect of the village authorities the right of nomination is given to the head or to the chief of the village.

In 1947 there was a regulation passed by the then ruler or Maharaja according to which the formal sanction of the State authorities like the Sub-divisional Officer, District Officer, Chief Commissioner and other higher officers had to be taken. Still it was a more or less formal sanction and there was no question of any election so far as these village authorities were concerned. There were demands made that this village administration should be democratised at least to a certain extent, and especially where there was a demand in that respect made by the villagers in different parts. Therefore, this question was taken up.

So far as this point is concerned, I should like to place before the House the two objectives that this Bill has before it. One is that the village authorities should be formed on a democratic basis only where there was a demand for it. After all, here we are dealing with people who are likely to be suspicious about what the Government might do. Therefore, in such cases we have to proceed slowly though we have ultimately to proceed on rational and democratic lines. That is the reason why in this Bill it has been proposed that, whenever in respect of any village there is demand that there ought to be an elected village authority, that demand shall be accepted by Government and there would be elections held on the basis of adult franchise. That point may kindly be noted.

Now, in order to maintain the dignity of the chief of the village, a provision has been made that he shall be the *ex officio* Chairman of the village authority. Certain usual functions like those of the panchayats have been allotted to these authorities and they have to carry on those functions. The usual provision has been made about supervision by governmental authorities. But it would be found that a very large measure of self-government, so far as the villagers are concerned, is conferred upon the village authorities. The only point that we have done, in order to maintain the respect of the head of the village, is to make the head of the village the *ex officio* Chairman of the particular village authority. Thereafter usual powers have been given to them and usual duties are also naturally expected from them. Law and order has to be properly kept and therefore, as under the Code of Criminal Procedure, in view of the peculiar circumstances obtaining in the villages, so also here they have been called upon to do certain functions so far as maintenance of law and order or detection of crime is concerned. This is so far as the executive side of the village panchayats is concerned.

So far as the judicial side is concerned, this House will be happy to find that a very large measure of judicial functions has been conferred upon these courts. The number of members comprising the village authority might range between 5 and 12 according to the number of taxpaying houses in the village. These are small villages. Provision has been made for it in the Bill itself. If the number is very small, say below 60, then the number in the village authority would be only 5. There is a gradation according to which the number increases and the highest is 12. That is with regard to the composition of the village authority. Two or three persons from among them would be chosen for the purpose of forming a court which will be a civil as also a criminal court. They will have certain powers so far as adjudication in respect of civil matters is concerned and they will also be in a position to decide criminal matters up to a certain extent. Certain very high offences have been excluded, but apart from those offences it will be found that a large number of offences under the Indian Penal Code or under the special Acts can be tried, inquired into and decided by these village courts. Ultimately, in certain cases there are powers of revision and in a few conceivable cases there might be the right of appeal. Their decrees or orders will be duly executed by the other judicial machinery.

In this connection it may be found that so far as the formation and the composition of these village courts are concerned, their functions are concurrent with the ordinary courts and in the Manipur Courts Act provision has been made both for civil courts as also for criminal, magistrate's or sessions' courts. Naturally, the Judicial Commissioner is there. Thus you find that in addition to what has been done under the Manipur Courts Act, concurrently with the powers of ordinary courts, village courts are also sought to be established under this Bill and it is expected

[Shri Datar]

that when there are minor matters they can be decided by their own fellowmen, by their own village folk. So it will be found that this Bill takes a further step so far as democratisation of the judicial machinery especially in the hill area is concerned.

Other provisions are of a usual nature. It was considered that the procedure under the Civil Procedure Code and the Criminal Procedure Code need not necessarily be followed in this case. That is the reason why it was considered necessary to simplify the whole procedure. The important provisions in these two Codes have been brought in and incorporated in this Bill, because it was considered that if, for example, the broad lines of procedure were laid down they might suffice for the purpose of adjudication of all such matters, civil and criminal, by these courts. Therefore, it will be found that instead of having the elaborate procedure or the machinery under the Civil and Criminal Procedure Codes, the principal points have been incorporated herein and it is considered that they would be more than sufficient for adjudication so far as matters entrusted to these village courts are concerned.

These are some of the provisions and I hope that this Bill will commend itself to the approval of this House.

Mr. Deputy-Speaker: Motion moved:

> "That the Bill to consolidate and amend the law relating to the constitution and functions of Village Authorities in the hill areas of the State of Manipur, be taken into consideration."

15-30 hrs.

[PANDIT THAKUR DAS BHARGAVA *in the Chair*]

Shri L. Jogeswar Singh (Inner Manipur): I welcome this Bill especially because it is an advancement of the Bill which was introduced in the Rajya Sabha and passed by the Rajya Sabha. That Bill was, however, ignored and a new Bill was introduced in this House. I welcome this Bill because it is an advancement over the existing system of administration in the villages in the tribal areas of Manipur State.

But I have my own misgivings as to certain clauses which have been provided in the Bill. In this Bill, certain provisions have been made whereby, in the absence of any demand from the local hillman for the constitution of a Village Authority by election, the Authority will be nominated by the Chief Commissioner. This is highly objectionable. I do not know why the tribal people, at this juncture, should not have an elected Authority. Even as long ago as 1949, there were general elections in the Manipur State for the installation of a Legislative Assembly in the State, and the hill people also joined in the general elections. They were the voters for the formation of an Assembly in the Manipur State. In 1949, that Legislative Assembly was installed there. All the hillmen and all the valley people were voters for election to the Assembly. While there was such a set-up, while they were voters to the Assembly, and while there was a Legislative Assembly and a Council of Ministers responsible to that legislature for the whole of the State I do not see any reason why a retrograde provision has been incorporated in this Bill. This portion of the Bill is highly objectionable.

The Chief Commissioner has been given full powers and he can act according to his whims. If he wanted to have an elected Authority, he would do so. If he does not like to have an elected Village Authority, he may not have the elections. So, these loopholes should be done away with. I think that when you are talking of the democratisation of the Village Authorities in the tribal areas, you are forgetting the important point that there must be elections. If this lacuna is retained in this Bill, I think the Chief Commissioner, who is not an elected authority but is a nominee of the Government of India, can, according to his sweet will, have an election or nomination. So, this provision will serve as a check against the proper democratisation of the Village Authority among the tribal peoples. Therefore, I strongly object to this provision of the Bill which debars the conduct of elections to the Village Authority.

Shri Raghavachari (Penukonda): You just now welcomed it.

Shri L. Jogeswar Singh: I welcomed only certain parts of the Bill, and not this portion of the Bill at all. I welcome this Bill in general.

Another point is this. The hon. Minister himself explained before the House that the State of Manipur consists of more than 7,000 square miles of hills and that the valley consists of only 700 square miles. In the hilly areas, the hill people are scattered all over. There are a number of hill tribes—Tangkhuls, Kabuis, Khongjais, Kukis and Nagas. They are settled in the hilly areas and they have different, separate systems of administration from time immemorial. There are certain parts in the hill areas where the Village Authority vested in the chieftain or Khullakpa. In the Bill, it has been mentioned as Khallakpa. It is wrong. It should be Khullakpa, and not Khallakpa. This system is sometimes hereditary in some parts of the Manipur State, but there are certain areas where this system is not in vogue. Only those people who work hard and who do service to the tribal people have been given something like the Presidentship of the Village Committee. This system prevails in the northern part of the Manipur State, which is known as the Meo area which is adjacent to the Naga Hills. Elsewhere, this system does not prevail. This hereditary system also prevails in some parts of the Tankhul area which is adjacent to Burma border and in some areas where the Kukis are settled. Those areas lie in the north-eastern, eastern, southern, western and north-western parts of Manipur.

In the Bill, some discrimination in the matter of appointing the chairman of the Village Authority is seen. In certain areas where there are chiefs or Khullakpas, it has been provided in this Bill that such hereditary Khullakpas will be the *ex-officio* chairman of the Village Authority, whereas in the case of those areas where such a system does not prevail and is not in vogue, the chairman of the Village Authority will be elected by the elected members. There should be a uniform policy. This system of appointing an *ex-officio* chairman and appointing the chief as the *ex-officio* chairman should be done away with, because the unsophisticated tribal people who have been steeped in ignorance and illiteracy for many years, have also been suffering from the tyrannical rule of the village headman. If the Government want to do some service to the masses of the tribal people, they should see that this system of *ex-officio* chairman is done away with. Only the man who is elected by the village masses should be put as chairman of the Village Authority. This is one point which I wanted to make to the Minister and this is a point to which the hon. Minister should apply his mind.

What I want to drive at is this. There should be a uniform policy with regard to the nomination of the chairman. The chairman should be elected by the members of the Village Authority. The chairman should not be an *ex-officio* person who is chief of that village.

There is one advancement in this Bill over the previous Bill. In the previous Bill there was a disqualification clause and that was this: those tribal people who are suffering from leprosy should not be allowed to cast

[Shri L. Jogeswar Singh]

their votes. Leprosy was one of the disqualifications for the tribal voters. That provision was incorporated in the previous Bill which was passed by the Rajya Sabha, but in this Bill it has been dropped. That was a most objectionable clause and it has rightly been dropped now.

In the place of the old disqualification clause, there has been one new disqualification clause. That is to say, if a man is of unsound mind, he will not be qualified to become a voter for the Village Authority. I welcome this provision because this is an improvement on the previous Bill.

Another point I want to submit is with regard to the village courts. In Manipur State you will find that there are hill areas, apart from the plains areas where the general administration will be the same as you have in Delhi and other parts of the country. But in the hill areas, the people are all primitive and they are not advanced educationally or economically. Under the Hill Regulations Act, in the Manipur State hill areas, the chief of the village was given the right of nominating members to serve on the village authority. Now we have done away with this nomination business; the members are to be elected.

I welcome the provision incorporated here for the constitution of village courts, because they are very democratic, and the members of these village courts are to be taken from those who are elected as members of the Village Authorities. In this connection, what I want to point out is this. The police system was not prevalent in the Manipur State Hill areas. In the olden days, there were lamboos among the hill people. These lamboos were more or less like village chowkidars and they performed the duty of the police also. This lamboo system was prevalent in those days. That system has not been mentioned in this Bill, but still enough provision has been made here for the protection of the people and full powers have been given to the members of the village court to arrest persons against whom warrants are issued. Though the lamboo system has not been mentioned here, the village courts have been entrusted with powers to perform the duties of the police.

Regarding trials of cases, the procedure has been simplified. This simplification is necessary, more especially in the hill areas where the people are very very ignorant and they do not know the legal quibblings. Whenever they approach the lawyers they will be the worst affected people. So this provision has been very wisely put in enabling the complainant to make the complaint in writing or orally. This simplification of the proceedings is welcome and it is a very right step.

Another point which I would like to mention is this. Now a law has been found for the administration of the hill areas as a whole. In the previous Bill, which was passed by the Rajya Sabha, only certain limited areas were covered where the autocratic Village Authority was in existence and where there was the hereditary system of Chiefs. But the present Bill covers all hill areas including those areas where there is no hereditary system of Chief or Khullakpa. I welcome this Bill on the whole, but I want to draw the hon. Minister's attention again to the provision made in the Bill that where there is a Chief or Khullakpa in a village, he shall be the *ex-officio* Chairman of the Village Authority. This is highly objectionable. The Chairman of the Village Authority should always be elected. If this provision is dropped, I think this will be a very welcome Bill. I request the hon. Minister to apply his mind to this point.

Shri Sinhasan Singh (Gorakhpur Distt.—South): Mr. Chairman, I welcome this Bill. In this Bill where everything is so welcome, I find there is opposition to the nomination system. The nomination system is still sought to be continued and I think we are still going to have a kind of diarchy in the Village Authorities. In the Republic of India, diarchy should be over. When we are having a system of elective panchayats, why should the nomination system continue?

When there is a provision that if the people of the village claim an elected Village Authority, they will have it. So, unless there is a specific demand from the village people for an elected Village Authority, the members will be nominated and the result will be the continuance of the old nomination system. We are not making much improvement. In clause 3 of the Bill, it is said:

> "(3) Where no declaration under sub-section (2) has been made in relation to any village, the members of the Village Authority of that village shall be nominated by the Chief Commissioner."

So, the old system will continue when the people are not demanding an elected Village Authority. My submission is that nomination is a thing of the past and when we are trying to democratise all the institution, we should give no room for any nomination.

As observed by my friend just now, the Chief or Khullakpa being nominated as the *ex-officio* Chairman also amounts to mixing of autocracy with democracy. When we are democratising the whole institution of Village Authority, you are attaching the hereditary Chief or Khullakpa with it by making him the *ex officio* Chairman. In my opinion, this is also not in consonance with the times through which we are passing.

Another provision which is not very desirable is this. You are giving very wide powers to the panchayats. They will be entitled to arrest many people suspected of various crimes. There is a disqualification. If a person is convicted of a non-bailable offence, he will not be entitled to become a member. So many offences in the Penal Code are non-bailable. By impulse, by sentiment, out of some sudden provocation, a man may commit some offence which is non-bailable. He is punished. He is disqualified for all time from becoming a panchayat member. I think some provision should be made by which somebody must be empowered to withdraw that disqualification and make him eligible for the office of panchayat member. The provision that once convicted, the person is debarred for all time from becoming a panchayat member is not a fit one to remain in this Bill.

You are giving to the village courts both executive and judicial powers. As an hon. Member pertinently pointed out, the village court is being given both civil and criminal jurisdiction and they would try almost all sorts of cases both civil and criminal except those which are not given in the schedule. With all these powers, the village courts are to be nominated by the Chief Commissioner. Out of the panchayat elected, he will nominate two or three to form the village court. Why have this nomination? Nomination will lead to favouritism. While I welcome the village courts, I submit they should also be elected. In the U. P. we have the Panchayat Raj Act from a very long time. The village courts are elected. Now, they have introduced a new system, partly election and partly nomination. A panel is elected by the village panchayats and out of that panel, the Deputy Commissioner or the district magistrate nominates some to form the court. In these cases, instead of having absolute nomination by the Deputy Commissioner, we should have firstly in the general election, election for the village court also. Village courts will hold office for the period of office of the panchayats, namely three years. After this period of three years, the village again elects, and these people will be eligible for election. If they are eligible, my submission will be that they should be elected by the village panchayats. The village panchayats must be given some power to have control over the court. Now, the court is to be nomi-

[Shri Sinhasan Singh]

nated by the Deputy Commissioner. The village people will have no say in that matter. Another alternative will be, have a panel of people elected by the panchayat and out of that panel, the Deputy Commissioner could nominate two or three. The best thing would be for the village courts to be elected out of the panchayat by the panches themselves. In case we find there is some difficulty, there may be a panel of five to be elected by the panches and out of them two or three may be nominated by the Deputy Commissioner to form the court. That would, to some extent, minimise the difficulties arising out of this process. We are giving them very wide powers and introducing village panchayats. They must be made self sufficient so that they may well govern. It is stated that that is the best State wherein people feel that they are least governed by the centre and are left to govern themselves. This idea of decentralisation will be achieved only then. In this way we will be serving the great cause of decentralisation of administration and make the people govern themselves in their own right form of administration.

I support the Bill. I hope the hon. Minister will consider the suggestions that I have made. We should not have diarchy. Have complete democracy and try it as we are trying elsewhere.

Shri M. K. Moitra (Calcutta North-West): Mr. Chairman, Whenever a Bill is presented before the House for giving powers to village people to administer their own affairs, it should be welcomed. This Bill, from that principle, should have been welcomed. But, if you go through the provisions of this Bill, you will find that the promise that the Minister has held before this House is illusory. The Minister, in placing this Bill before the House, said that it is going to encourage democratisation. It is one of the principles of democratisation that the villagers must develop responsibility and the bodies through which they work must also be autonomous bodies. But, here, autonomy has been scotched, killed and buried. One of the preceding speakers has pointed out that extraordinary power is being given to the Chief Commissioner to nominate the Village Authorities. Not only that; all the Village Authorities have been placed not only under the control of the Chief Commissioner, but also under the control of the sub-divisional officers. I would request you to refer to page 5, clause 15. It is said:

> "Subject to the general superintendence and control of the Deputy Commissioner, the sub-divisional magistrate shall have control over all the Village Authorities within the local limits of his jurisdiction."

What the nature of this control should be has not been explained in this Bill. Does this mean that through these Village Authorities, the sub-divisional officers want to create certain stooges through whom they will work out their whims, etc.?

One of the preceding speakers has referred to the wide powers given to the Village Authorities for arrests. If you look at the clause, you will find that these powers can very well be exercised for suppressing any political movement, any progressive movement in that place. I would request you to refer to page 6, clause 16 sub-clause (iii) which says:

> "any person for whose arrest a requisition has been received from a police officer; provided that the requisition specifies the person to be arrested and the offence or other cause for which the arrest is to be made or it appears therefrom that the person might lawfully be arrested without a warrant by the officer who issued the requisition,"

You will see that not only have the Village Authorities been given wide powers, but they have also been given powers to arrest without warrants lawfully issued. This power can very well be utilised against persons or parties which will be in opposition to the party in power. This power may be misused.

You probably know that the right of appeal is an inherent right of the people. Courts may commit mistakes and for that mistake, the litigant public should not suffer. So, they have the right of appeal. But, here, this right of appeal has not been granted to the people who will come before the Village Authorities. I would request you to look at clause 25 which says:

> "Notwithstanding anything contained in the Code of Criminal Procedure, 1898, there shall be no appeal by a convicted person in any case tried by a village court:
>
> Provided that the Deputy Commissioner or the sub-divisional magistrate, if satisfied that a failure of justice has occurred, may, of his own motion or on the application of the parties concerned, cancel or modify any order of conviction or of compensation made by a village court or direct the retrial of any case by a court of competent jurisdiction subordinate to him."

16 hrs.

Can this sort of thing be allowed to prevail in the year of grace 1956? Here you have given liberties to people and have taken them away on the other hand. Now, if a man is convicted by a village court, he has no right of appeal, and if the subdivisional officer or Deputy Commissioner by chance happens to go through that judgment, he can take up the matter, and it simply lies with the mercy of the Deputy Commissioner or the subdivisional officer to see that the man convicted gets some redress. In the case of political parties opposed to the party in power, probably the eyes of the Deputy Commissioner will be shut.

[Shri Barman *in the Chair*]

16-01 hrs.

So, with these lacunae, the Bill as presented before the House will fail to serve the purpose for which it has been presented. It will fail to develop democracy, to develop autonomy; it will rather create some stooges and therefore I appeal to the Minister that he should go through this Bill once again and change it so that it may really be beneficial to the people for whom it is intended.

Then I will refer to another clause. You will see from that clause that the village courts have been given even wider powers to select parties. You are a lawyer and you know that when a case is instituted against certain persons, those persons are made parties. But, in the course of the trial if the village authorities think that certain other persons should be added as parties to the litigation, they might do so and they have been given that power. I am referring to clause 39:

> "(1) Subject to the provisions of clause (c) or clause (d) of section 31 the village court may add as parties to a suit any persons whose presence as parties it considers necessary for the proper decision thereof, and shall enter the names of such parties in the register of suits, and the suit shall be tried as between the parties whose names are entered in the said register:
>
> Provided that when any party is added, notice shall be given to him and he shall be given an opportunity of appearing before the trial of the suit is proceeded with."

This goes against the principles of jurisprudence. You want to develop the people democratically. So, institute such bodies which will help them in developing properly. Here the parties will unnecessarily be harassed.

You know in villages there are factions, there are parties, there are opponents to the parties and the people sitting in those village outhorities will not be above human weakness. So, they may unnecessarily harass the people against whom they bear any grudge. Therefore, this Bill will frustrate the object for which it has

[Shri M. K. Moitra]

been prepared. I therefore humbly request the Minister to go through this Bill carefully and if he really wants that people should develop democratically he should present such a Bill as will lead them to such development.

Shri Datar: I am glad to find that generally the provisions of this Bill have been welcomed by the hon. Members who took part in the debate, while certain points have been made out for consideration by the Government. I should like to answer all those points.

The first point that I shall deal with is as to whether there ought to be some power vested in the Chief Commissioner for nominating the members of the village authority. It is true that in certain cases the Chief Commissioner has been given the authority to nominate certain persons and this has been done for the purpose of making this experiment as successful as possible without any opposition from a class of people—this should be understood very clearly—who are generally ignorant and naturally, who are also to a large extent suspicious. We have to take into account this circumstances that in the hilly areas the conditions are not the same as on the plains. There the people are very simple-minded but they are ignorant and, as one can understand very easily, also superstitious to a certain extent, and when you have got these defects of ignorance and superstition, naturally their handmaid, namely suspicion, comes before the public. That is the reason why in the hilly areas we have to proceed with a certain amount of caution and circumspection. Otherwise, things would not be the same. Unnecessarily people would feel that certain powers have been taken away and given to others who according to them do not deserve them. Therefore, the experiment of democracy and such institutions has to be carried on as consciously as possible.

I should point out to this hon. House that ultimately this House is directly concerned with the administration of Manipur. It is a subject under the supervision of this House and therefore I cannot appreciate the manner in which a certain suspicion has been raised about the officers in general and the Chief Commissioner in particular. The Chief Commissioner works under the Government of India and we all are subject to the authority of this House. Therefore, in all such cases, let us not start with a feeling of misgiving or with a feeling of suspicion about what the officers will be doing. They will have to work as properly and as cautiously as it is necessary under the circumstances of the case.

I would invite my hon. friends who raised certain objections to clause 3 to read it. It has been stated in sub-clause (2) of clause 3:

> "The Chief Commissioner may, having regard to the general interests of the people of any village as also to the demand, if any, from the people of that village for an elected Village Authority, declear......"

That is, he can proceed to have general elections. And if for example, there is no such declaration as mentioned in sub-clause (2), he has to make a declaration after taking into account two things—firstly that there is a desire or a demand from the people, and secondly—naturally it will follow if there is such a reasonable demand—that it will subserve the interests of the people also. So, the Chief Commissioner is an important officer who cannot act arbitrarily. Therefore, I submit to this hon. House that it is not possible in theory to carry out this experiment of democracy to its fullest extent in an area like one with which we are dealing. Therefore, we have to proceed somewhat cautiously. I would assure the House that the Chief Commissioner will always act in a very fair manner and not in an arbitarary manner because as I have stated, we are anxious to see that this experiment of democracy especially at the lowest level succeeds even in the territory of Manipur. Therefore, I would point out to this House that the object of this Bill is to liberalise the administration, to democratise the administration to the fullest extent possible consistently with the peculiar conditions with which we have to deal. Therefore, in a large number of cases people would come forward and people would carry on the administration, and will ask for an elective village authority.

Then, something was stated about the head of the village, namely the Khallakpa. So far as he is concerned, I would point out to this House that he would be the ex-officio chairman where there is such a hereditary post. If there is no such office at all, then, naturally, the Chairman would be elected. But where there is a hereditary post, we have to be extremely careful about the susceptibilities of these people. You are aware that even in the plains where we have village headmen in some of the States who are hereditary, there is a considerable dignity attaching to that office. Therefore, in dealing with such illiterate people who, as I have already said, are highly suspicious, we have to be careful to see that no misgiving arises so far as the new experiment is concerned. Ultimately, if he becomes the Chairman, then, he cannot veto the wishes or the desires of the whole body.

The village authority, as I have pointed out, consists of between 5 to 12 members and this village headman would be only one and he cannot override the wishes of the other members. Taking all these circumstances into account, we have purposely introduced 2 restrictions with a view to show to the people that there is no ulterior motive behind except that of advancing the interests of the people. That is the reason why these 2 restrictions have been used and I am quite confident that this experiment will succeed and that people would come forward and accept an elected village authority in as large a number of villages as possible.

Something was said about leprosy as a disqualification. It is true that in a previous Bill, which was ultimately withdrawn, this was made a disqualification. Even what was stated therein was that it is not ordinary leprosy but infectious leprosy that would be a disqualification. It was considered that this disease is not there on such a large scale as in certain other parts and so this disqualification need not necessary remain on the statute. Therefore, this particular disqualification has been removed. I would have expected the hon. Members to thank the Government for having removed this disqualification because, after all, as human beings they are entitled to vote. Even assuming that a man is suffering from an infectious form of leprosy, care should be taken to see that this infection does not spread. Beyond that there is no reason to disqualify a voter only on the ground that he is suffering from infectious leprosy. This is the reason why this disqualification which had been mentioned in an earlier Bill has been removed in this.

We are anxious that there should be, as far as possible, uniform administration. I was rather amused at the manner in which the criticism was levelled. It was said, on the one hand, that we ought to liberalise the administration and give as much powers to the village authorities as possible. On the other hand, we are told that if the village authorities are given certain powers they are likely to abuse them. An instance was quoted that the powers given to the village authorities to arrest certain persons would be used with a view to check certain political agitation. This will not be used against political agitators at all. Therefore, I would request my hon. friend not to nurse any such feeling, that the ulterior underhand object of these provisions is to take action against politicals.

Even now under the Code of Criminal Procedure there are some

[Shri Datar]

powers given to the village authorities. Under the Police Act of 1861 certain precautionary actions have to be taken by those who are in charge of the village administration and, therefore, for the purpose of maintaining law and order, when there is a request received from a Police Officer, then only can they arrest any person; otherwise not. You will find that the powers given and the functions assigned to the village authorities are entirely of a normal character; there is nothing to which an exception can be taken.

My hon. friend, Shri Sinhasan Singh stated that there is diarchy, a mixture of some democracy with feudalism to some extent. It is not exactly a question of feudalism at all. It is a question of establishing a village authority which would be elected as far as possible. Certain powers have naturally to be given to them.

In certain cases, even the power to add parties to a civil suit is called in question by him. I shall like to point out to him that under the Code of Civil Procedure and under the Code of Criminal Procedure also, in a proper case parties can be added as plaintiffs or defendants—in a civil suit—or as accused—in a criminal case—where a subsequent charge-sheet is put up. One has to understand very clearly that it is a judicial tribunal. Therefore, I would request my hon. friend to accept this position that so far as judicial panchayats are concerned, the power given is only the usual and normal power. It would not be proper to look into that with a view to see whether these powers are likely to be abused. I would also point out to my hon. friend that whenever there are such judicial powers to be exercised, if they are not properly exercised there is an appeal which has been provided for and it might be noted that in every case there is a general power of revision or for calling for papers so far as the higher judicial courts are concerned in the ordinary way.

Shri M. K. Moitra: There is no power to appeal.

Shri Datar: The hon. Member will kindly see that there is the power to call for papers.

Shri V. P. Nayar (Chirayinkil): Is that enough?

Shri Datar: I therefore submit that the power to add parties would be used in a judicial way and if there is any abuse, naturally, the higher courts would see to it that nothing wrong is done.

Shri M. K. Moitra: My objection is that there is no provision to draw the attention of the higher court.

Shri Datar: There is a general provision that the District Judge or the Judicial Commissioner can call for records in any case. That is already there. In such cases it is perfectly open to a person who has been added, subsequently to approach the higher outhorities and get himself completely excluded. I would therefore submit that there is nothing of a serious nature in this objection.

It was suggested that there should be a panel of members and that the Judicial Commissioner might not select the proper persons for the composition of the village courts. As the House knows, very important powers, perhaps larger than the powers that are given to judicial panchayats in the plains, are being conferred upon these village courts. It ought to be considered proper that there ought to be some authority like the Judicial Commissioner who is the head of the whole hierarchy of the official machinery to select. Not all the persons who are elected should be considered as suitable for the performance of judicial functions. That is a point which has to be understood very clearly. Therefore the Judicial Commissioner should have the authority to nominate these persons but only out of those who are elected or those who are members of the village authority. I would submit that the Judicial Commissioner is the right person so far as this is concerned.

Objection was taken to clause 15. So far as clause 15 is concerned, naturally, the Judicial Commissioner has the overall supervisory authority. But so far as the immediate officer is concerned, he is the Sub-Divisional Magistrate. All these panchayats or village authorities have to work subject to the supervision of somebody. Therefore, the Sub-Divisional Officer or Magistrate is the person who has to supervise what is being done by these village authorities. I would point out to this hon. House that in respect of all self-governing institutions like village panchayats or municipalities or district boards the special authority or power has been vested in the Collector or the Deputy Commissioner or the District Magistrate in order to see that everything is done properly.

Shri M. K. Moitra: On a point of explanation. You have stated that the Chief Commissioner as well as the Deputy Commissioner and the Sub-Divisional Officers have been given the right to supervise. But a distinction has been made. The Chief Commissioner has been given the right to supervise but the Deputy Commissioner and the Sub-Divisional Officer have been given the power of superintendence and control.

Shri Datar: If the hon. Member reads clause 15, the words are "subject to the general superintendence". This is the general superintendence which can be carried out by the Chief Commissioner. The Deputy Commissioner and the Sub-Divisional Magistrate shall have full control over all village authorities. After all, these village authorities are likely to do wrong. Let us not forget this fact. All these democratic bodies will necessarily act properly. But there might be occasions—such occasions may be rare—when they may not act correctly and so the law has to make provision for the exercise of proper supervision and control over a democratic body which may act wrongly. Unfortunately we are aware that there are cases where even big municipalities have been superseded and, therefore, Government, as also their officers, should have the right of controlling them and the extreme case of control would be the supersession of that body. Therefore, the immediate authority cannot be the Chief Commissioner. The immediate authority shall be an authority in charge of a division and that is the reason why the Sub-Divisional Officer or Magistrate has an immediate control and the power of general control and supervision vests in the Chief Commissioner. Therefore, I do not see any incongruity between the two and again I would submit to this House that we need not suppose that the officers would use their powers to the prejudice of the people and for the purpose of defeating the provisions of this Act. I would, therefore, point out to my hon. friend that the powers that have been given are normal powers, they are embodied in other Acts also, and, therefore, there is no reason to suspect that these powers would be exercised arbitrarily.

I think I have covered all the grounds and I would point out to this House that the object of this Bill is to democratise the administration to the fullest extent consistently with the desire of the Government to proceed cautiously so that there will be no suspicion even in an indirect manner.

Shri U. M. Trivedi (Chittor): What about the pecuniary jurisdiction?

Mr. Chairman: Is there any mention about the pecuniary jurisdiction?

Shri Datar: I think I have covered all the grounds.

Mr. Chairman: The question is:

> "That the Bill to consolidate and amend the law relating to the constitution and functions of Village Authorities in the hill areas of the State of Manipur, be taken into consideration."

The motion was adopted.

Mr. Chairman: There are only three amendments and they are Government amendments.

Shri Datar: They are only to the long title.

Clause 2.— (*Definitions*)

Amendment made:

Page 2, line 13—

for "State of Manipur" *substitute* "Union territory of Manipur".

—[*Shri Datar*]

Mr. Chairman: The question is:

"That clause 2, as amended, stand part of the Bill".

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Clauses 3 to 58 and the Schedule

Mr. Chairman: We will now take up clauses 3 to 58 and the Schedule.

Pandit Thakur Das Bhargava (Gurgaon): I wish to say something about this Bill. It is a very important Bill and I am afraid we have not given full attention to the Bill. It relates to Manipur, a part of the Union territory, and it seeks to introduce democracy, according to what has fallen from the hon. the Home Minister, in that area.

When the Bill was being considered, hon. Members criticised the Bill saying that there is no democracy in this Bill. Some Hon. Members criticised the Bill saying that the Government's claim is not justified in so far as the Government have themselves stated that only in cases where there will be a demand, they will have something akin to democracy; but in case there is no demand, they will only nominate. That was the criticism so far as sub-clause (2) of Section (3) was concerned. I do not know what is the interpretation of the hon. Home Minister so far as sub-clause (2) is concerned. I understand that the idea of the hon. Home Minister is that having regard to the general interests of the people of any village, as also the demand if any, the Government will make the declaration by notification. Suppose there is no demand, that does not debar the Government from declaring that a certain area may have an elected village authority. Therefore to my mind this criticism that as a matter of fact Government do not mean to introduce democracy is not correct. Government are competent even in cases where there is no demand to declare by notification that there should be an elected village authority If my contention is correct, I submit that the Government will kindly adopt its policy in all normal cases whether there is a demand or not. They must introduce this principle of democracy though in certain cases where there may be difficulty and the Government is satisfied that the democracy, on account of certain reasons, will not work well, they may not do so and they may consider whether there is a demand or not. But if the interpretation that was given by some hon. Members is correct, then I am afraid it is difficult to agree to the provisions of sub-clause (2). But considering that my interpretation is quite different, I have reasons to support sub-clause (2) also.

16-29 hrs.

[Mr. Deputy-Speaker *in the Chair*]

But, at the same time, when I go through the clauses of the Bill, I find that there is not enough democracy in the Bill as a matter of fact. But in all such cases unless there is provision for entrusting funds so far as these village authorities are concerned and unless you invest them with certain powers with regard to such matters as pertaining to local conditions or local self-government, I do not see how we can claim that we are conferring a great measure of democracy under this Bill. It is true that civil powers have been given and criminal powers have been given. It is good so far as it goes. I do not object to the grant of these powers, though it is a new kind of experiment and we do not know how it shall work.

For instance, now there will be adult suffrage and members of the village authority will be elected in cases where a declaration is made and a notification is issued by Government under clause (3). Then, may I know if the women also will get the right of adult suffrage. I believe so. The point is, when I read clause 53 I thought that there was some sort of qualification or disqualification in respect of women. The clause says:

"No woman shall, against her will be compelled to appear in person before a village court as an accused or as a party or as a witness". But as a clause the women have been excluded. In the Village Authority also, if women are elected there is no reason why they should not sit. And if they are enabled to sit—and let us hope that half of them shall be women—in that case I do not see why such a provision as clause 53 should be enacted at all.

I thought in a Bill of this nature the first provision we shall find will be what are the functions and powers of such a village body. I find the village body has been given certain kinds of powers which are more in the nature of obligations or restrictions rather than liberties, I should say, I would have thought that so far as village sanitation, Housing village education or other beneficial departments are concerned, they shall get some power and some measure of fiscal autonomy and they will get some money also from the Government. For unless money is provided, it is useless to speak of democracy. Unless you arm the local authority with funds, how will they look after these things? And I find a total absence of such provision in this Bill.

So far as the powers of the civil courts are concerned, one thing I have not been able to find is this. Though the plaintiff can make an oral petition and some substance of it may be recorded in the register, what would happen to the plea of the defendant? After all, there is a provision for the other things, for passing a decree or an order—for all that there is provision. But if this is all oral, if the defendant's pleas are oral, if what is given in the plaint is oral and only some portions of it are provided to be recorded, I fail to see how it will be possible to have a continuance of these proceedings, after hearing the witness, etc. After all, I do realise that it is meant not for people who are highly organised or educated or, at the same time, who have got a litigous habit. And therefore, so far as it goes I support it, because the present provisions of law which the bill seeks to substitute are too Draconic, the ordeals and all that. It is a good substitute. But I do not know how the experiment will work.

So far as criminal law is concerned, they have been given some police powers as also the responsibilities of working as if they were the police. In that case, when there is an obligation like this, I for one fail to see how in any given case—and the cases are given in clause 17, dereliction from duty has been provided against and a person can be punished—but when the whole village or an elected Village Authority is appointed and made responsible for all these things, how they will be able to prove in any particular case that so far as an individual is concerned, he is guilty. It will be difficult of enforcement. I am only looking at the difficulty. But at the same time, the idea seems to be that so far as police powers are concerned, they are given to the Village Authority. So far as the courts are concerned, the powers given are, in my humble opinion, not substantial. For instance, in the Schedule we find mention of very few offences and very few things. It may be that the Government are afraid of giving very large powers to these newly elected bodies without knowing how they will work. I can understand that. But I hope the hon. Minister would be pleased to enlarge these powers after

[Pandit Thakur Das Bhargava]

the experiment and when he is satisfied that these panchayats are doing well.

But my main difficulty is this. I want that to start with, so far as the panchayats are concerned, Government will see that, whether there is a demand or not, unless the circumstances of any particular village militate against making this declaration, they should ordinarily make it. The ordinary course should be that there should be a village panchayat. After all, there are only 1,300 villages; it is only just like a district in one State in the country, only just a five lakh population, and that also sparse population. I think it will work very well, because the rules are very simple. But I would again emphasise the necessity of making some provision; and if that provision is not there, I would request them by executive action to see that these panchayats are provided with sufficient funds, so that they may be able to look after matters which affect the common man and beneficial activities may be taken in hand. Otherwise, if you will merely give powers to them to fine people, if you give powers to them to see that they decide cases judicially also, without there being any beneficial activity, the result will be that these panchayats will appear to be oppression tyrannical and will be disliked by the people, and ultimately the good that you want to do will not be accomplished in the manner in which you want to have it done.

I support the Bill with these observations.

Shri U. M. Trivedi: I do not wish, generally speaking, to oppose this Bill. But there appears to be a very great lacuna in this Bill. I speak subject to correction. I have gone through the whole Bill—and I have tried to point out to the hon. Minister that he would not like to listen to a thing coming from the Opposition probably.....

Mr. Deputy-Speaker: We are at the clause-by-clause consideration. The whole Bill is there except clause 2.

Shri U. M. Trivedi: Clauses 3 to 58 have been taken up. Therefore I am speaking on them.

Mr. Deputy-Speaker: Then he might say: clauses 3 to 58, and not the whole Bill.

Shri U. M. Trivedi: I agree to that. I would like the hon. Minister to look at the provisions contained in clauses 30, 31, 32 and so on right up to 45. I have been looking up and down to find out any provision about the jurisdiction—by some fluke, somewhere it has been suggested that the jurisdiction of these village courts will be limited to so many rupees—but as it appears, I find that unlimited jurisdiction has been given to these village courts. The only provision I find is in clause 30. And there, in regard to the jurisdiction of the courts in civil cases there is no limit for the suits for money due on contracts, or suits for the recovery of movable property, or suits for compensation for wrongfully taking or injuring movable property. It is only when there is a suit for damages by cattle trespass that it is said that the value of the suit shall not exceed five hundred rupees. In all other cases unlimited jurisdiction is given to the village courts. In other words we are trying to oust the jurisdiction of district courts, civil courts and all courts, and the only jurisdiction which will be there in such cases where there is a suit for money due on contracts and all the rest of it will be that of the village courts consisting, as the scheme says, of these democrats of the village (being elected members), and they will decide such suits. I think this will be trying to do great injustice to all the citizens who might care to go and live in those village areas.

Shri G. D. Somani (Nagaur-Pali): To democracy itself.

Shri V. P. Nayar: They are all hillsons.

Mr. Deputy-Speaker: Let us discuss it on the plains!

An Hon. Member: And plainly.

Shri U. M. Trivedi: I am talking of the plains, and I am talking plain language also. With great respect to the hon. Minister, for whom I have great personal regard, I was just wondering how this thing has escaped his attention. Wherever there is any such provision, there is always a limited jurisdiction so far as pecuniary jurisdiction is concerned. And if this pecuniary jurisdiction is not put there, this will mean that they will have jurisdiction to try suits of unlimited pecuniary value. It is not necessarily the case that the hill tracts of Manipur are closed to the other citizens of India. All citizens of India will also go there and they will be under the jurisdiction of the village courts. A cause of action may arise there; there are many industries prevalent in this hilly area and people go and place orders and get things from there. If they have entered into such contracts, what will be their fate and how will the suit be decided? They will be deprived of the ordinary remedies which are provided by our Constitution. Therefore, I would say that it must be looked into and if this lacuna is there, it should be corrected even at this stage.

Shri Datar: Some further points were raised by hon. friends, and I should like to reply to all of them.

In the first place, my hon. friend, Pandit Thakur Das Bhargava, contended that no provisions were made for the purpose of making grants to these village authorities. For making grants no Act is necessary at all. It is a part of the executive machinery, and I imagine that the Manipur Government will have to make grants to these village authorities wherever they are carrying on certain functions of a very important nature. I would point out that in some of these cases the villages are very small, and in some cases, as I have pointed out, where there are only 22 tax-paying villages, even the tax that might be paid would not be of a very great nature like the tax on big houses in Bombay and Calcutta. These are very small, and, therefore, I imagine that the Government will have to make grants, and wherever necessary, Government would make grants, and for that purpose no provision in this Bill is necessary.

My hon. friend was needlessly suspicious. I did not expect this suspicion especially from my hon. friend, so far as women are concerned. What has been stated here is this:

"Notwithstanding........

Shri V. P. Nayar: Notwithstanding what you say.

Shri Datar: So far as women are concerned, they would not be compelled to appear before a village court, not that they cannot appear. For example, women are called when they are witnesses or when they are parties, naturally they would not be compelled to attend.

Pandit Thakur Das Bhargava: Even when they are the accused......

Shri Datar: When they are the accused, the position is this. My hon. friend may kindly read the rule....

Mr. Deputy-Speaker: 'Accused' is also included in that category.

Shri Datar: It says:

> "No woman shall, against her will, be compelled to appear in person before a village court as an accused or as a party or as a witness."

So far as this is concerned, it has been more in favour of women and the hon. Member should appreciate it. Now a similar provision has been made in the Code of Criminal Procedure. When for the purpose of interrogation or investigation it is necessary to record the evidence of a woman, then naturally it is stated that the police officer should go to the house of the woman and not that the woman should be compelled to go to the police station. This is a provision of a very progressive nature. It does not mean that in all the cases we are taking away the rights of women.

Shri Tek Chand (Ambala-Simla): Will she be punished *in absentia?*

Shri Datar: She does appear or some agent does come there, or the court itself might be held at her place and there is no objection to holding a court anywhere else, as you have already allowed a similar provision in the Code of Criminal Procedure. Now a reference here to women need not raise any suspicion so far as clause 53 is concerned, much less about her right to have a vote. So far as the vote is concerned, in the whole of India, under the adult franchise, men and women are entitled to vote. That power is not taken away at all. There is no necessity to suppose that there is something sinister with a view just to keep women away from the exercise of their proper rights. Here the word that has been used is "compelled". It would be perfectly open to a woman to go and appear before a civil court or a criminal court. What has been stated here is that against her desire she cannot be compelled by the sanction of the law to appear in a particular court. The word "compelled" may kindly be noticed. In the Evidence Act also they have used these expressions very wisely and the same have been taken here. Here the word "compelled" has been used, and it is perfectly open to her to appear in a case where she likes to do so.

Then, a reference has been made by my hon. friend to unlimited pecuniary jurisdiction, of these civil courts. So far as that is concerned, technically or theoretically my friend may be correct that they have unlimited jurisdiction. But may I point out that they have no unlimited pecuniary resources at all? They are extremely poor people, and, therefore, it is not necessary......

Mr. Deputy-Speaker: The objection of the hon. Member was that if Shri Trivedi goes and gets a contract for supply of certain things from the hill areas, then he will be subject to the jurisdiction of those courts.

Shri Datar: Even there, these powers are concurrent powers. These are not exclusive powers. That is what I pointed out.

Mr. Deputy-Speaker: He has authority to ask that he be tried in a regular court. Is that so?

Shri Datar: In case he happens to be a defendant......

Shri V. P. Nayar: He wants to go only as an advocate.

Shri Datar: If there is any such villager who files a suit for Rs. 10,000 against my hon. friend, God forbid, if there is a decree and if there is a failure of justice, then the District Judge can go into the whole matter and can order a re-trial, because it is stated in clause 43 in the proviso that whenever he finds that there is a failure of justice, the matter can naturally be provided against such cases.

Shri U. M. Trivedi: What is meant by failure of justice? Even Munsiffs are provided with pecuniary limits of jurisdiction. It would be a very wise thing if the Government could be considerate enough to see that there will not be litigation of a very high type. Why not put a limit upon it just as you have provided that damages on account of trespass by cattle shall not exceed Rs. 100 or so. If a villager files a suit to the tune of Rs. 10,000......

Shri Datar: Theoretically my hon. friend is right, but as a matter of fact, such cases would be extremely rare and the only case where money has been mentioned is because such offences are likely to take place there, and, therefore, some damages have to be given. Otherwise, even for breach of contract and other things, the cases would not be many. These are very small villages. Though they appear to be 1300 in number, the whole population is a lakh and a few thousands only.

Shri V. P. Nayar: I do not think there is any chance for litigation at all there.

Shri Datar: Therefore, I would submit that it is not necessary to make any changes. These powers are to be given to deal with certain actual cases where the money value of all these suits or proceedings would be an extremely small amount. Perhaps in most cases it would be less than Rs. 100, and, therefore, there is no substance in this particular objection.

Pandit Thakur Das Bhargava: What about clause 3(2)?

Shri Datar: So far as clause 3(2) is concerned, my hon. friend was not present when I explained the whole purpose of the clause. If you allow me, Sir, I would repeat what I said.

Pandit Thakur Das Bhargava: I was present, but another gentleman raised the objection.

Shri Datar: I have no objection to repeat it and if the hon. Member desires, I am prepared to point out the purpose, but I would very briefly say in two sentences that this experiment of democratic institutions has to be carried on with great caution. The people in the villages are simple folk; they are ordinarily honest people and we have to understand that they are highly ignorant and they are very superstitious. As a result of this they are always suspicious of every new thing introduced there. That is the reason why it has been stated that we should try this experiment of democratic village institutions with some caution. So, I would point out to my hon. friend that these words will always be interpreted in a sympathetic manner. The Chief Commissioner will not deny to any village the right to have an elected village authority wherever there is a desire expressed by the people. Therefore, these words 'in the general interest of the people and their demand' need not be viewed with any suspicion because we are anxious to introduce this plant of democracy in this atmosphere which has certain peculiar circumstances.

Mr. Deputy-Speaker: Since this motion was made about these clauses 3 to 58, I have received an amendment from the Government in respect of clause 8. I will seek the indulgence of the House to permit me to modify the motion which has been placed and I shall put clauses 3 to 7, clause 8, and then clauses 9 to 58 and the Schedule separately.

Shri Datar: That amendment was moved out of regard to the difficulties that were pointed out by the hon. Member. He has said that this disqualification is likely to remain for life and therefore, we have introduced this amendment according to which disqualifications may be removable.

Mr. Deputy-Speaker: First, I shall put clauses 3 to 7 to the vote of the House.

The question is:

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Clauses 4 to 7 were added to the Bill.

Mr. Deputy-Speaker: There is an amendment to clause 8.

Pandit Thakur Das Bhargava: We have not been able to understand the purport of the amendment. I want to fully understand the implications of the new amendment which the hon. Minister wants to move to clause 8.

Shri Datar: In clause 8, it has been stated that any person can be removed from his office if he is convicted of any nonbailable offence, or is declared by notification to be disqualified for employment in the public service. There are two other disqualifications. In the absence of the amendment which I am proposing, these disqualifications would remain permanent so far as a man is concerned. If there is no legal provision

[Shri Datar]

for the removal of these disqualifications, such a man who comes within one of the four categories in clause (8) will always be disqualified from holding office in a village panchayat. That is the reason why we want to put in this amendment. If it is accepted, no person who has been removed from his office under clause (a) or clause (c) of sub-section (1) shall be eligible for re-nomination or re-election except with the previous permission of the Chief Commissioner obtained by such person in the prescribed manner. These will be prescribed by the rules. The person would have to apply and in a proper case, I imagine, his application will be accepted and this disqualification will be removed so that it will not be a permanent feature so far as that man is concerned.

Amendment made:

Page 4, line 14—

after "re-election" *add*:

"except with the previous permission of the Chief Commissioner obtained by such person in the prescribed manner."

—[*Shri Datar*]

Mr. Deputy-Speaker: Now, I will put the clause 8, as amended, and also the remaining clauses to the vote of the House.

The question is:

"That clause 8, as amended, stand part of the Bill."

The motion was adopted.

Clause 8, *as amended, was added to the Bill.*

Shri Datar: About clause 30, I want to point out that there is a slight printing mistake and I think it can be corrected. The words "when the value of the suit does not exceed five hundred rupees" appearing as the last portion of sub-clause (d) are common to all the sub-clauses (a) to (d).

Shri U. M. Trivedi: That is what I had suggested.

Shri Datar: That would satisfy my hon. friend also. (*Interruptions.*)

Shri L. Jogeswar Singh: There is one mistake.

Mr. Deputy-Speaker: We will look into it afterwards. Let us be clear about this first. What the hon. Minister says is that the words 'when the value of the suit does not exceed five hundred rupees' are common to all these suits. There should be a comma after the word 'trespass' and these words should have been printed in the next line so that it may be common to all the foregoing sub-clauses.

Pandit Thakur Das Bhargava: There ought to be a semi-colon after the word 'trespass' instead of a comma. If it is made clear, then it may not give room for another interpretation.

Mr. Deputy-Speaker: Now clause 30 remains as it is. Only these words occurring at the end of sub-clause (d), 'when the value of the suit does not exceed five hundred rupees' will be put in a separate line so that that clause would cover all the sub-clauses (a) to (d). That will be done. Now, what is the hon. Member saying?

Shri L. Jogeswar Singh: In clause 3, sub-clause (4), it reads: "Where there is a Chief or Khallakpa......" The word 'Khallakpa' is not understood; it is not Manipur language. It should be 'Khulakpa', which means the chief of the village.

Mr. Deputy-Speaker: That would be corrected by the office itself; it has been brought to our notice. Now, I shall put the clauses 9 to 58 and the Schedule to the vote of the House.

The question is:

"That clause 9 stand part of the Bill."

The motion was adopted.

Clause 9 *was added to the Bill.*

Clauses 10 *to* 58 *and the Schedule were added to the Bill.*

Mr. Deputy-Speaker: There is an amendment to clause 1 and there is also an amendment to the Title.

Amendments made:

(i) Page 1, lines 7 and 8—

for "State of Manipur" *substitute* "Union territory of Manipur".

(ii) Page 1, in the Title—

for "State of Manipur" *substitute* "Union territory of Manipur".

—[*Shri Datar*]

Mr. Deputy-Speaker: I shall now put clause 1, as amended to the vote of the House and also the Title, as amended.

The question is:

"That clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1, as amended, was added to the Bill.

The Enacting Formula was added to the Bill.

Mr. Deputy-Speaker: The question is:

"That the Title, as amended, stand part of the Bill."

The motion was adopted.

The Title, as amended, was added to the Bill.

Shri U. M. Trivedi: May I make one submission? There is still one mistake left. In sub-clause (d) of clause the words "State of Manipur" have to be substituted.

Mr. Deputy-Speaker: These mistakes can be corrected even in the third reading stage. We will correct it if it is a mistake.

17 hrs.

Shri U. M. Trivedi: In clause 2(d) you have still got the words "State of Manipur".

Mr. Deputy-Speaker: That has already been accepted by the House. That clause was put separtely and accepted by the House.

Shri U. M. Trivedi: But not with this correction.

Mr. Deputy-Speaker: This amendment was put and accepted by the House.

Shri Datar: There are three amendments.

Mr. Deputy-Speaker: Shri Barman was in the Chair then. He put it to the vote of the House and it has been accepted by the House.

Shri U. M. Trivedi: I am sorry, I was not in the House then.

Shri Datar: I beg to move:

"That the Bill, as amended, be passed."

Mr. Deputy-Speaker: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

17-02 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Thursday, the 15*the November,* 1956.

DAILY DIGEST

[*Wednesday, 14th November, 1956*]

COLUMNS

OBITUARY REFERENCE... 1.

The Speaker made a reference to the passing away of Shri Bhawani Singh who was a sitting Member of Lok Sabha. Thereafter the Members stood in silence for a minute as a mark of respect.

MOTIONS FOR ADJOURNMENT. . . . . 2—6

(1) The Speaker withheld his consent to the moving of an adjournment motion given notice of by Shri Kamath and Shri R. N. Singh, regarding Governments attitude to the five power resolution on Hungary moved in the U. N. General Assembly on November 9, 1956, as a statement regarding the international situation was scheduled to be made by the Prime Minister shortly to be followed by a debate on the same subject.

(2) In view of the statement made by the Minister of Legal Affairs that the matter would be enquired into, the Speaker withheld his consent to the moving of an adjournment motion given notice of by Pandit Suresh Chandra Mishra regarding the refusal of the Election Commission to accord recognition to the Socialist Party of Uttar Pradesh as a State Party.

(3) In view of the statement made by the Minister of Finance and Iron and Steel, the Speaker, with held his consent to the moving of an adjournment motion given notice of by Shri Sadhan Chandra Gupta regarding the failure of Government to avert the token strike of the employees of the Life Insurance Corporation of India.

PAPERS LAID ON THE TABLE . . . . 6—10

The following papers were laid on the Table :

(1) A copy of each of the following Orders, under sub-section (6) of section 3 of the Essential Commodities Act, 1955 :—

(*i*) The Calcutta Wheat (Movement Control) Order, 1956, published in the Ministry of Food and Agriculture Notification No. S. R. O. 2033, dated the 5th September, 1956.

(*ii*) The Delhi Wheat (Movement Control) Order, 1956, published in the Ministry of Food and Agriculture Notification No. S. R.O. 2034, dated the 5th September, 1956.

(*iii*) The Bombay Wheat (Movement Control) Order, 1956, published in the Ministry of Food and Agriculture Notification No. S. R. O. 2098, dated the 17th September, 1956.

(2) A copy of the Notification No. S. R. O. 2136, dated the 22nd September, 1956, under sub-section (3) of section 20 of the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955, making certain amendment to the Working Journalists Wage Board Rules 1956.

PAPERS LAID ON THE TABLE—*contd.*

(3) A copy of each of the following statements showing the action taken by the Government on various assurances, promises and undertakings given by Ministers during the various sessions shown against each :—

(*i*) Supplementary

Statement No.II Thirteenth Session 1956 of Lok Sabha.

(*ii*) Supplementary

Statement No.VIII Twelfth Session, 1956 of Lok Sabha.

(4) A copy of each of the following Ordinances promulgated by the President after the termination of the Thirteenth Session, 1956 of Lok Sabha, under the provisions of Articles 123(2) (*a*) of the Constitution :—

(*i*) The State Bank of Hyderabad Ordinance, 1956 (No. 5 of 1956).

(*ii*) The Administration of Evacuee Property (Amendment) Ordinance, 1956 (No. 6 of 1956).

(*iii*) The Displaced Persons (Compensation and Rehabilitation) Amendment Ordinance, 1956 (No. 7 of 1956).

(*iv*) The Road Transport Corporations (Amendment) Ordinance, 1956 (No. 8 of 1956).

(*v*) The Representation of the People (Amendment) Ordinance, 1956 (No. 9 of 1956).

(5) A copy of the explanatory statement regarding the State Bank of Hyderabad, Ordinance, 1956 (No. 5 of 1956) in pursuance of sub-rule (2) of Rule 89 of the Rules of Procedure and Conduct of Business in Lok Sabha.

(6) A copy of each of the following Central Excises Notifications, under section 38 of the Central Excises and Salt Act, 1944 :—

(*i*) Notification No. 11-CER/56, dated the 8th September, 1956.

(*ii*) Notification No. 12-CER/56, dated the 8th September, 1956.

(*iii*) Notification No. 13-CER/56, dated the 8th September, 1956.

(*iv*) Notification No. 14-CER/56, dated the 29th September, 1956

(7) A copy of the Notification No. S. R. O. 2201, dated the 29th September, 1956, under sub-section (3) of section 48 of the Coffee Act, 1942 making certain amendment to the Coffee Rules, 1955.

(8) A copy of the Proclamation issued by the President on the 1st November, 1956 under Article 356 of the Constitution, assuming to himself all the functions of the Government of Kerala State under clause (3) of Article 356 of the Constitution.

(9) A copy of each of the following Publications regarding Goa in pursuance of an undertaking given on the 6th August, 1956 in reply to a Supplementary on Starred Question No. 722 :—

(*i*) Goa, 15th August, 1956.

(*ii*) The Story of Goa—English, Spanish, Portuguese and Arabic editions

(*iii*) Facts about Goa

PRESIDENT'S ASSENT TO BILLS 11

Secretary reported that the following Bills, which were passed by the Houses of Parliament during the last Session had been assented to by the President :

(1) The Indian Coconut Committee (Amendment) Bill, 1956.

PRESIDENT'S ASSENT TO BILLS—*contd.*

(2) The National Highways Bill, 1956.

(3) The River Boards Bill, 1956.

(4) The Indian Cotton Cess (Amendment) Bill, 1956.

(5) The Indian Institute of Technology (Kharagpur) Bill, 1956.

(6) The Government Premises (Eviction) Amendment Bill, 1956.

(7) The Lok Sahayak Sena Bill, 1956.

(8) The Indian Post Office (Amendment) Bill, 1956.

(9) The Supreme Court (Number of Judges) Bill, 1956.

(10) The State Financial Corporations (Amendment) Bill, 1956.

(11) The Public Debt (Amendment) Bill, 1956.

(12) The Central Excises and Salt (Amendment) Bill, 1956.

(13) The Indian Railways (Amendment) Bill, 1956.

(14) The Representation of the People (Third Amendment) Bill, 1956.

(15) The Khadi and Village Industries Commission, Bill, 1956.

(16) The Jammu and Kashmir (Extension of Laws) Bill, 1956.

(17) The Scheduled Castes and Scheduled Tribes Orders (Amendment) Bill, 1956.

(18) The Constitution (Seventh Amendment) Bill, 1956.

RESIGNATION OF MEMBERS 12

The Speaker announced that the following Members had resigned their seats in Lok Sabha with effect from the dates mentioned against their names :—

(1) Shri S. Nijalingappa. 27th. October, 1956.

(2) Shri Rajendra Narayan Singh Deo. 1st November, 1956.

(3) Shri Giridhari Bhoi. 1st November, 1956.

(4) Dr. Natabar Pandey. 12th November, 1956.

TIME FOR PRESENTATION OF REPORT OF SELECT COMMITTEE EXTENDED . . . 12

Time for presentation of the Report of the Select Committee on the Electricity Supply (Amendment) Bill was extended upto 30th November, 1956.

BILLS PASSED . . 12—118

(1). The Minister of Legal Affairs (Shri Pataskar) moved for consideration of the Code of Civil Procedure (Amendment) Bill as reported by the Joint Committee. The motion was adopted. After the clause-by-clause consideration, the Bill was passed as amended . . 12—79

(2) The Minister in the Ministry of Home Affairs (Shri Datar) moved for consideration of the Manipur (Village Authorities in Hill Areas) Bill. The motion was adopted. After the clause-by-clause consideration the Bill was passed as amended. . 79—118

AGENDA FOR THURSDAY, 15TH NOVEMBER, 1956—

Consideration of the Part 'C' States (Laws) Amendment Bill, as reported by the Joint Committee the Indian Tariff (Amendment) Bill and the Industries (Development and Regulation) Amendment Bill.
